

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1185637-0

Total Deleted Page(s) = 10

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~~TOP SECRET~~

~~CONFIDENTIAL~~

Mr. Alex Rosen

October 20, 1971

Mr. E.S. Miller

0 SPEC/1

~~SECRET~~

SENSITIVE COVERAGE PLACED
AT REQUEST OF THE WHITE HOUSE

Original impounded by
court order. See memo
in 63-16062-13

Following departure of former Assistant to the Director William C. Sullivan, it was discovered that all records he had maintained in his office concerning special highly sensitive coverage the Bureau maintained at request of the White House were missing. Due to the extremely sensitive nature of these records, Sullivan maintained the only copy of all records concerning this coverage. It was subsequently established beyond a reasonable doubt that prior to his departure, Sullivan turned all of these records over to Robert C. Mardian, Assistant Attorney General, Internal Security Division of the Department. Mardian allegedly destroyed these records.

In order that the Bureau has some record of this delicate matter, an effort has been made to reconstruct as many facts as possible concerning this coverage, particularly the identity of individuals on whom the coverage was maintained. It must be borne in mind, however, that a very limited number of persons in the Bureau had knowledge of this coverage, and therefore sources from which data could best be obtained were used.

Essentially only Sullivan and the Director were be aware of this coverage. Naturally those essential to placing and monitoring the coverage in Washington Field Office knew of it, but were not aware of White House interest and responsibility in the matter. Sullivan did not have the facility to read and interpret the written material being supplied from the coverage and he therefore designated former Special Agent B.A. Wells to analyze the results of the coverage and prepare any letters which were necessary to the White House. Since Sullivan apparently did not have the Director's permission to use Wells for this, Wells used Sullivan's initials on all correspondence prepared by him. Material was dictated most of the time to Mrs. [redacted] a dedicated and loyal Bureau employee.

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Class. & Ext. By 2842 PMV/ [signature]
Reason: FCIM II, 1-2.4.2
Date of Review 10/20/81

65-75085-X

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JUN 11 1973

ESM:ts

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JUN 11 1973

~~TOP SECRET~~

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Based on all available information, this coverage was first instituted at the specific request of Dr. Henry Kissinger, who contacted the Director in the early spring of 1969 following some type of leak of information involving the National Security Council. It is believed that the first individuals covered were:

Dr. Morton Halperin, who was with the National Security Council at that time, but later went to Brookings Institution. The coverage stayed on him even after he went to Brookings Institution.

Helmut Sonnenfeldt, who was with National Security Council.

Tony Lake, who was also with National Security Council.

John Patrick Sears. Sears had formerly been in the Nixon-Mitchell Law Firm in New York and had actively worked on the Nixon campaign. After the election he had some sort of job at the Executive Office Building, but apparently became disenchanted with the Nixon administration. He wanted a job with Office of Economic Opportunity.

Later additional requests were made, but at some point the requests came from H.R. Haldeman rather than Dr. Kissinger. The following is a list of those individuals on whom it is reasonably believed coverage was maintained for the White House. The dates of such coverage cannot be established without reference to records which is not believed desirable:

Henry Brandon, Correspondent, London Sunday Times
William Safire, National Security Council
Winston Lloyd, National Security Council
Marvin Kalb, Radio-TV Correspondent and news service
William Beecher, New York Times
Hedrick Smith, New York Times
Ambassador Richard F. Pedersen, State Department
Ambassador William Sullivan, State Department
Daniel Davidson, National Security Council
General Robert Pursley, now military aide to Vice President, but at time was a Colonel on staff of Secretary Laird
James W. McLain, who at time was with Health, Education and Welfare, but was in process of following Robert Finch to White House as Finch's aide.
Richard Moose, National Security Council

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The largest number of these in operation at one time is believed to be eight. The last one placed was on McLain and it was placed on 12/14/70, while the Director was out of town. This one had a great sense of urgency when the request was made and required special installation by Washington Field Office.

Although it is not believed that this coverage was ever placed on Joe Kraft, Washington Post Correspondent, on an address in the U.S., Sullivan was actively trying to determine exactly where Kraft was located in Europe. Kraft made a trip to France just prior to Nixon's visit to Rumania and his exact address ^{FBI} was learned and Sullivan is reported to have traveled to Paris ⁹⁷⁸⁸ in an effort to had French authorities place coverage on Kraft in France. It is not known whether he was ever successful. *JS*

Those on whom the coverage remained longest were Halperin, Brandon, Hedrick Smith, Kalb and possibly Lloyd. All of this coverage was discontinued around the end of May or first part of June, 1971.

Sometime after the early part of June, 1971, following discontinuance of the coverage, it was deemed advisable that all copies of memoranda to the White House reporting on results of the coverage should be retrieved and kept in a secure place at the Bureau. After some difficulty all known copies of the material were returned to the Bureau and placed in Sullivan's possession, since it was not thought that the material should go to files, even our special file room. Evidently Sullivan disposed of the material sometime between the last of July and the time he departed on leave prior to his retirement.

It goes without saying that knowledge of this coverage represents a potential source of tremendous embarrassment to the Bureau and political disaster for the Nixon administration. Copies of the material itself could be used for political blackmail and the ruination of Nixon, Mitchell and others of the administration.

ACTION: For information and record.

~~SECRET~~
~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

Memorandum

~~TOP SECRET~~

TO : Mr. E. S. Miller *EM*

DATE: 5/24/73

FROM : T. J. Smith *TJS*

JUNE

SUBJECT: SENSITIVE COVERAGE PLACED AT THE
REQUEST OF THE WHITE HOUSE
SPECOV - ESPIONAGE

1 - Mr. Walters
1 - Mr. Cleveland
1 - Mr. Marshall
1 - Mr. E. S. Miller
1 - Mr. T. J. Smith

Original impounded by
court order. See memo
in 63-16062-13 *mm*

Smith to Miller memorandum 5/13/73, captioned as above, reported recovery of records relating to electronic surveillances (elsurs) placed between 1969 and 1971 at the request of the White House. These records had been improperly removed from custody of the FBI by former Assistant to the Director William C. Sullivan and turned over to Robert C. Mardian, then Assistant Attorney General, Internal Security Division of the Department.

The records in question had never been integrated into regular FBI files. Neither had any file number been assigned, nor serializing or indexing done. There were no entries made into the special electronic surveillance indices.

Since recovery of the records has been accompanied by wide-spread publicity and revelations have been made in Federal Court as to the existence of the electronic surveillances, we can expect a clamor for elsur indices checks for possible overhearings which could be the basis for suppression of evidence or reversal proceedings. Likewise, due to the political hysteria growing out of the Watergate incident, we can well expect attempts to connect the 1969-71 White House-requested elsurs with the Watergate matter or the Pentagon Papers matter, which has also been linked to Watergate because of the burglary of Daniel Ellsberg's psychiatrist by principals of the Watergate break-in.

It is therefore absolutely essential that the elsur records in question be isolated and maintained intact for evidentiary purposes. However, it is also essential that we open a case file on the matter; serialize all of the documents; and index them where pertinent. Recognizing that the most urgent matter was to begin a set of special elsur indices to service anticipated requests from the Department, we immediately began a review of the elsur

TJS:bjr-ljs
(6)

REC 107
MCT-17

CONTINUED - OVER

MAY 24 1973

ROUTE IN ENVELOPE

MAY 25 1973

~~TOP SECRET~~

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Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. *✓*
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

DECLASSIFIED BY *SP-1/180/1/1*
ON *6/25/87*
12-17-82

Memorandum to Mr. E. S. Miller
Re: Sensitive Coverage Placed at the
Request of the White House

logs to prepare elsur index cards. Before any appreciable progress was made, however, a Departmental request was received and beginning on 5/18/73 a crash project was begun with 11 Agent Supervisors, 2 Technical Publications Writers, and a Secretary. These employees worked around-the-clock until the project was completed and we now have more than 5,000 elsur indices cards which enables us to make elsur indices checks relating to these particular elsur.

The index cards are not complete, however, since we as yet have no file number, nor do we have the elsur logs properly serialized. -

65-75085

Arrangements have been made with Files and Communications Division to supply a trained employee to work with a designated employee of the INTD to serialize and index these records. This work will take place in INTD space where continuity of the records for evidentiary purposes will be maintained at all times. Up to this point I am the only FBI employee who has had custody and control of the records since they were released to the Acting Director and myself on 5/12/73 by the White House.

A decision has been made by the Acting Director that these records will be kept in the office of the Associate Director when they have been processed and that index cards relating to them will show this as well as the fact that access to them must be approved by the (Acting) Director, Associate Director, or Assistant Director, INTD only. Decision was also made that in the interest of security, no abstracts are to be made relating to these records, inasmuch as abstracts could identify the elsur placed which information if disclosed outside the Bureau wittingly or unwittingly could result in lawsuits being filed against the FBI.

As soon as the special elsur index cards are completed with file number and serial numbers, these will be turned over to Special Investigative Division for integration in the elsur indices. Meanwhile, requests for check of these 5,000 index cards will be processed by the Special Records and Related Research Unit, IS-3 Section, INTD.

It is believed that this matter should be considered a single FBI case, since it was a single investigation for the White House to identify leaks of classified data. A single case file should therefore be opened and

CONTINUED - OVER

NOT
NECESSARY IF
SHOWN ON FILE
COVER
TJS

Memorandum to Mr. E. S. Miller
Re: Sensitive Coverage Placed at the
Request of the White House

it is suggested that the code name "SPECOV" be used to identify the case. Bureau indices are negative on this code word. The case will then be referred to as "SPECOV - Espionage."

Further, since 17 separate individuals were covered by elsur, although none were separately investigated, it is suggested that each be indexed as a subject of the "SPECOV" case.

Material prepared by the Inspection Division and Legal Counsel's Office relating to this overall matter should be filed with the other SPECOV material since it reveals details which should be protected.

RECOMMENDATIONS:

*Done. LB 5/25/73
65-75085*

1. That a case file be opened on this memorandum and that henceforth the code name "SPECOV" be used to identify this case.

2. That serializing and indexing begin and expeditiously handled by INTD employees with assistance of experienced Files and Communications employee.

*Being handled
with T. J. Smith
by Records Sec
LB
5/25/73*

3. That upon completion the special elsur indices cards now in possession of INTD be turned over to Special Investigative Division for integration into regular elsur indices.

4. That when all records have been fully processed they be placed in a safe-type cabinet in the Associate Director's office with access limited as described herein.

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
Re: Sensitive Coverage Placed at the
Request of the White House

5. That none of these records be taken from custody and control of INTD until all of the foregoing procedures have been completed.

EM

WHLOR

WR

UNITED STATES GOVERNMENT

Memorandum

~~TOP SECRET~~
~~TOP SECRET~~

7/11/73

Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller, E.S. ☐
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Baise ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conny ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Hogan ☐

TO : Mr. Felt

DATE: May 4, 1973

FROM : William D. Ruckelshaus
Acting Director

WR

JUNE

SUBJECT: WIRETAPS ON NEWSPAPERMEN

Specov

Original impounded by
court order. See memo
in 63-16062-13 *mm*

It has been called to my attention by the press, and confirmed by the personnel file of William C. Sullivan, retired, which your office has shown me, that at one time for national security reasons there were wiretaps placed on certain newspapermen whose identities are presently not known to this office. I understand that the District Court is concerned that such wiretaps may have somehow tainted the prosecution. In order to advise the Court, I wish a prompt investigation conducted for the purpose of determining the following:

1. The identities of the official in the Department of Justice and in the FBI responsible for carrying out the wiretap program.
2. The names of the newspapermen whose phones were tapped, and the names of the newspapers for which they worked.
3. The date on which each tap was placed and the date each tap was discontinued.
4. The results of the wiretaps.
5. The identities of the Agents carrying out the wiretaps.
6. The documentation which was involved including but not necessarily limited to:

DECLASSIFIED BY *9783/ST*
ON *6/25/81*
12-17-82

(1) The assignment of each wiretap to an office or Agent.

(2) Any logs which were prepared. *REC*

(3) Any 302s or other reports reflecting the results of the taps.

(4) The directives to discontinue the taps.

CE:nm:edm (3)

18 MAY 22 1973

2 - Mr. Eardley

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10-LW/8

JUN 4 1973

~~TOP SECRET~~
~~TOP SECRET~~

Memorandum for Mr. Felt from
the Acting Director
Re: Wiretaps on Newspapermen

May 4, 1973

7. If documentation is not now available, as I understand to be the case, then it will be necessary to pursue the inquiry through my office in the Department of Justice or elsewhere which had or should have had knowledge of the wiretaps or of the documentation. I wish to receive any documentation which exists and if the normal documentation has been destroyed, which appears to be the case, I wish to be informed who destroyed it, when it was destroyed and the reason for the destruction.

8. If, as appears to be the case, documentation may not be available to establish the results of the wiretaps, I wish the Agents to be interviewed and statements secured as to their recollection of the information received through the wiretaps.

Please treat this as an urgent matter.

*I want to be kept constantly
advised of progress on this
matter. AOR*

UNITED STATES GOVERNMENT

~~TOP SECRET~~
~~TOP SECRET~~

Memorandum

TO MR. WALTERS

DATE: 5-7-73

FROM : MR. FELT

Specov

June

SUBJECT: WIRETAPS ON NEWSPAPER MEN

DC Original impounded by
court order. See memo
in 63-16062-13 *fm*

With respect to the comment in Item #7 in Mr. Ruckelshaus' memorandum of 5-4-73 concerning pursuing inquiries through his office, in the Department of Justice, or elsewhere, Mr. Ruckelshaus this morning provided clarification of that point in that he desires the investigation to proceed forward with any logical interview conducted without delay. He stated there need not be cleared through him or his office the conduct of any interview but that if we are interviewing current personnel within the Department and/or other highly placed former officials, we should simply let his office know about it in order that he may respond to any inquiries that he receives.

Bring the foregoing to the attention of Mr. Jacobson who is coordinating this investigation.

LMW:crt
(2)

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ON 4/1/72

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12-17-82

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18 MAY 22 1973

10-2-11/12

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11111111 1973

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Waters ✓
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

✓ Observed

UNITED STATES GOVERNMENT

~~TOP SECRET~~

Memorandum

TO : MR. WALTERS

DATE: 5/7/73

FROM : INSPECTOR O. T. JACOBSON *OTJ*

SUBJECT: WIRE TAPS ON NEWSPAPER MEN

JUNE

Specov

FMV
Mr. Felt ☒
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson ☒
Mr. Walters ☒
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

This is a progress report of the on-going investigation being conducted by the Inspection Division in response to memorandum from Acting Director Ruckelshaus to Mr. Felt dated 5/4/73 in the captioned matter.

DECLASSIFIED BY 2842-PMJ/muc/mde
ON 6/25/81

During the briefing held in your office on the afternoon of May 6, 1973, Mr. John A. Mintz, Office of Legal Counsel, was present and inquiry was made of him concerning possible prosecutable violations of law as well as the necessity of advising people to be interviewed concerning their constitutional rights. As you will recall, the following is the opinion of Mr. Mintz in substance:

Mr. Mintz, Legal Counsel, advised that there is a remote possibility the activity which is the subject of the present inquiry, could involve prosecutable violations of law such as Title 18, United States Code, Sections 2511 (wiretapping); 641 (unauthorized conversion or disposition of Government records); 2071 (unlawful concealment, removal, or destruction of Government records); 2155 (destruction of national defense material). However, the element of criminal intent would be difficult to prove in face of the anticipated claims from all of those involved that all actions taken were believed to be in the scope of duty.

Mr. Mintz advised that, under the law, the interviews to be conducted in this matter need not be prefaced by an advice of constitutional rights and a waiver of rights as long as the interviewee is not in custody or restrained. Further, Bureau rules require no advice of rights and waiver unless the interviewee is so strongly suspected of a crime that he is to be questioned for admissions or confessions of guilt in a criminal investigation. If the interviews are directed at producing details of events and arrangements controlling FBI activity during a specified period concerning which the interviewees have knowledge, such administrative inquiry may proceed without the interviewing limitations of a criminal investigation. However, all interviews should be reported on FD-302 forms because of the possibility of administrative proceedings, Congressional hearings, or civil suits that may arise as a result of this matter.

OTJ:wmj

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CONTINUED - OVER

18 MAY 22 1973

65-75085-4

10-LM/58

ORIGINAL IMPROVED BY
COURT ORDER. See memo
in 65-16062-13

Memo for Mr. Walters
Re: Wiretaps on Newspapermen

There follows a summary of pertinent information developed to date from individuals interviewed who had personal knowledge or reason to know of information relating to this inquiry:

SPECIAL AGENT THOMAS J. SMITH, SECTION CHIEF, INTELLIGENCE DIVISION

While he had no personal or first-hand knowledge of wiretaps on newsmen or White House officials, he became aware he believes sometime in 1969 that there might be such wiretaps. This was occasioned by overhearing conversations on a Saturday while working in the office. A situation developed wherein the White House desired information urgently and from the bits and pieces of conversation he overheard he believed the White House wanted to know something about coverage being maintained by the FBI in connection with high-level leaks. He vaguely recalls that former Inspector J. A. Sizoo may have been in the office at the time and that he or some other ranking official of the Intelligence Division (then the Domestic Intelligence Division) may have tried to contact former Assistant Director W. C. Sullivan or former Special Agent Bernie Wells concerning the White House inquiry.

After January, 1970, when SA Wells was assigned to work for SA Smith in the Research Section, Smith received enough information from Wells to very definitely lead to the conclusion that the FBI did, in fact, maintain wiretaps on behalf of the White House relative to high-level national security leaks and that Mr. W. C. Sullivan was in charge of the operation. Inasmuch as Wells actually worked for Smith after January, 1970, Wells felt compelled to tell him he was reviewing the logs of all wiretaps being maintained and that he had to go to Sullivan's office to do so. This was necessary to account for periods of SA Wells' absence in the Section from time to time. Inasmuch as SA Smith was aware of the need-to-know basis for the wiretaps no effort was made on Smith's part to pry into the nature of the coverage or the identity of the persons covered.

SA Smith recalled that Wells retired in the Summer of 1971, and that shortly before he left the FBI Wells had to go to Mr. Sullivan's office "one last time" to put in order the various documents relating to the special coverage for the White House. Sometime after the first part of September, 1971, Wells revealed to him that former Assistant Attorney General Robert Mardian had shown him the documents which Mr. Sullivan

Memo for Mr. Walters
Re: Wiretaps on Newspapermen

had kept in his office relating to the special wiretaps the FBI had maintained for the White House and asked Wells to take charge of these documents and afford them the greatest possible security. Wells told SA Smith he was shocked to see these highly sensitive documents in Mardian's possession since they were FBI property. Wells told Smith that Mr. Sullivan had previously indicated to him (Wells) that he might turn the documents over to Mardian but Wells had strongly advised Mr. Sullivan not to take such action since no one outside the FBI should have access to such information. Wells' conversation with Smith was recorded in a memorandum to Assistant Director E. S. Miller on October 1, 1971, which led to the discovery that the sensitive records were no longer in FBI custody.

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Thereafter SA Smith was instructed by Assistant Director Miller to attempt to reconstruct on whom the wiretaps were placed, the time sequence and the best recollection of what information was received as a result of the wiretaps. Through conversations with Washington Field Office (WFO) Supervisor [redacted], SA Smith recalls the following individuals were tapped: Henry Brandon, London Sunday Times; Dr. Morton Halperin, National Security Council (NSC); Tony Lake, NSC; Daniel Davidson, NSC; William Safire, NSC; Winston Lord, NSC; Colonel Robert Pursley, now a General -- Colonel assigned to Secretary Laird's office - Department of Defense; Marvin Kalb, Radio-TV commentator; William Beecher, NY Times; Hedrick Smith, NY Times; Ambassador Richard F. Pedersen, State Department; Ambassador William Sullivan, State Department; James W. McLain, HEW; John Patrick Sears, Attorney; Richard Moose, NSC; and Helmut Sonnenfeldt, NSC.

Full background material regarding the above-named individuals is being compiled and will be furnished.

JOHN J. McDERMOTT, SAC, WFO

He was ASAC in WFO prior to and until April, 1969, when he transferred as SAC of the Alexandria Office. During this time McDermott had no knowledge about and wiretaps on members of the White House staff or members of the news media. He returned as SAC of WFO on October 24, 1972. About two months later in a conference on another matter with Supervisor [redacted] he learned for the first time that [redacted] had received instructions from a Domestic Intelligence Division representative to institute wiretaps. According to McDermott [redacted] instructions were received by the phone and [redacted] was told in the strictest terms there would be no official record made of this request in the WFO. McDermott stated

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Memo for Mr. Walters
Re: Wiretaps on Newspapermen

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the personnel within the WFO who would have complete knowledge of this operation would be [] Ernest Belter (now retired), and two Special Clerks who handled all technical coverage on these special taps according to [] McDermott advised as far as he knows there is no documentation or record of any kind on this matter in WFO files.

SUPERVISOR [] WFO

During the Spring or Summer of 1969 WFO was orally requested to institute a discreet investigation of John Sears, a White House employee who was formerly an attorney in Mr. Nixon's law firm in New York City. [] could not recall whether the telephone call came to him or to then SAC Joseph Purvis and later transferred to him. However, he believes the call came directly to him from former Inspector Joseph Sizoo, who was then Number One Man to Assistant Director Sullivan. Investigation in this matter included a request for both a physical and telephone surveillance and [] was specifically told by Sizoo that the telephone coverage was to be handled most discreetly with only one copy of the transcription log made which was then to be hand carried to Assistant Director Sullivan's Office. [] was advised by Sizoo that there would be no paper on this coverage to WFO. The transcription logs in the Sears matter as well as all subsequent telephone surveillance requests were picked up by [] from the WFO monitoring station each morning, sealed and then hand carried by selected Agents, names not recalled, to Sullivan's office. [] recalled the telephone surveillance on Sears lasted for approximately two to three months. In the Sears case, as in all others, a telephone call was received from a representative of the Domestic Intelligence Division instructing that the coverage be discontinued. Subsequently, during the period 1969 through 1971, representatives of the Domestic Intelligence Division (DID) including Inspector Sizoo, former Special Agent Bernard Wells, and possibly SA Tom Smith (it is noted above that SA Smith disclaimed any personal knowledge of any wiretaps) orally instructed that other telephone surveillances be placed on other White House employees and certain representatives of the news media. [] stated that the names that immediately came to mind are Morton Halperin, which coverage lasted for 8 to 10 months; Helmut Sonnenfeldt, 6 to 8 months; and William Safire, 3 to 4 months; other requests concerned Henry Brandon, London Sunday Times, 6 to 8 months' coverage, and a first name unknown Smith, New York Times reporter which lasted several months. [] stated he assumed that all requests of the DID concerning special coverage were approved by former Director Hoover. When the initial request was made WFO was advised at that time whether the requests for telephone surveillance coverage were actually approved by the then Attorney General John Mitchell or that they

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Memo for Mr. Walters
Re: Wiretaps on Newspapermen

would be approved prior to implementation. On several requests, specifics not recalled, one phone call from DID would request background information for contemplated telephone coverage and a later telephone call would instruct that coverage be implemented since there was Attorney General approval. In other instances there would only be one call to WFO instructing that telephone surveillance coverage be implemented as Attorney General authorization had already been obtained.

[] stated that upon receipt of the oral request he would advise Ernest H. Belter (now retired) former supervisor of the WFO Monitoring Installation and SA [] who had liaison with the telephone company. [] would arrange for the telephone surveillance coverage on the individual in question. [] states no written request was made of the telephone company during any of these specialized installations nor was any billing made to the FBI by the phone company for such installations. [] stated he cannot comment on the productivity of any of the telephone surveillances as his essential function was to obtain the log transcriptions and have these papers hand carried to the DID. He did not, therefore, review the logs. [] identified 6 Special Clerks or Special Employees who monitored the special telephone surveillance coverage. These individuals are currently being interviewed.

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We are currently seeking out for interview all individuals assigned to WFO who had personal knowledge of the wiretaps or their recollections as to on whom, for what period of time and the results. As set forth above in the opinion of Inspector Mintz all interview results are being reduced to an FD-302.

ACTION:

For information. You will be kept constantly advised of the progress in this matter, which is being treated as an urgent matter.

*From
EE*

~~TOP SECRET~~

Specov

To Mr. Walters:

From Inspector O. T. Jacobson *OTJ*

Re ~~X~~ WIRETAPS ON NEWSPAPER MEN

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input checked="" type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Gebhardt	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input type="checkbox"/>
Mr. Miller, E.S.	<input type="checkbox"/>
Mr. Soyars	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input checked="" type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Baise	<input type="checkbox"/>
Mr. Barnes	<input type="checkbox"/>
Mr. Bowers	<input type="checkbox"/>
Mr. Herington	<input type="checkbox"/>
Mr. Conmy	<input type="checkbox"/>
Mr. Mintz	<input type="checkbox"/>
Mr. Eardley	<input type="checkbox"/>
Mrs. Hogan	<input type="checkbox"/>

Based on results of our current we anticipate interviewing simultaneously the morning of 5/9/73 the following in:
Former Assistant to the Director William C. Sullivan (currently employed by the Department);
Former Special Agent Bernard Wells, also employed by the Department; Former Inspector Joseph Sizoo, retired, not employed; and current SAC Charles Brennan, Alexandria Office.

DECLASSIFIED BY *9788 RCS/ft*
2-14-82
ON *6/25/84*
12-17-82

This is being furnished in response to the Acting Director's request that he be advised of any individuals outside the Bureau to be interviewed who are members of the Department or are of prominent stature.

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18 MAY 22 1973
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Original impounded by court order. See memo in 63-16062-13 *Tom*

JUN 4 1973

~~TOP SECRET~~

UNITED STATES GOVERNMENT

Memorandum

TO : MR. WALTERS

FROM : INSPECTOR O. T. JACOBSON *of*

SUBJECT: *(Specov)*
*WIRETAPS ON NEWSPAPERMEN.

DATE: 5/8/73

June *op 5*

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Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Connv	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

This is a summary of our progress of the on-going inquiry being conducted by the Inspection Division in response to memorandum from Acting Director Ruckelshaus to Mr. Felt dated 5/4/73 in captioned matter. In the interests of clarity the results of our inquiry are set forth under appropriate subcaptions.

DECLASSIFIED BY *2847-0000* *9788/4K*
ON *4/25/81* *12/10/82*

HANDLING OF SPECIAL WIRETAP REQUESTS AND MONITORING RESULTS, WASHINGTON FIELD OFFICE (WFO)

Ernest H. Belter, Former Special Agent (retired), WFO

Belter recalls sometime in the Spring of 1969, Supervisor [redacted] came to him and advised he had received urgent request from W. C. Sullivan that White House concerned about leaks and Sullivan told [redacted] that some technical surveillances (wiretaps) would be initiated by WFO on names to be furnished by Sullivan. Belter was advised by [redacted] not to keep any written records of these wiretaps whatsoever. [redacted] subsequently gave Belter some telephone numbers and addresses and he in turn furnished this information to [redacted] who handled liaison with the C&P telephone company. Belter was advised that everything of any length or substance was to be recorded on tape. The individuals monitoring the wiretaps would subsequently transcribe into a written log only one copy of which was to be made; and the tapes were subsequently erased, usually during a period of two to four weeks.

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The individuals upon whom Belter recalls that were to be the subjects of wiretaps are as follows together with the length of time the wiretap was in effect: Morton Halperin - 12 to 16 months; Helmut Sonnenfeldt - 2 months; Daniel Davidson - 2 months; Richard F. Pedersen - 2 months; John Patrick Sears - cannot recall length of time of wiretap nor could he recall circumstances surrounding this request; Colonel Robert Pursley - 6 to 8 months; William Safire - 4 months; Richard Moose - 4 months; Marvin Kalb - 1 to 2 months; Henry Brandon - 8 to 12 months; William Beecher - 2 to 3 months; James McLain - 1 week.

OTJ:wmj

(2) Original impounded by court order. See memo in 63-16062-13 *for*

CONTINUED - OVER

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Belter advised that to the best of his recollection approximately 12 to 15 such wiretap requests were handled by him.

Belter in addition furnished a list of names of WFO employees (special employees and special clerks) whom, to the best of his recollection, he recalled as having a part in the monitoring concerning the above wiretaps.

Belter stated that none of the individuals on whom wiretaps were placed were ever the subject of leased line requests to the C&P telephone company as these wiretaps had all been removed prior to the institution of the leased line procedure. Belter stated that his supervisor, [REDACTED] usually picked up these logs on a daily basis from the WFO monitoring station, after which [REDACTED] would make a Xerox copy of the transcribed logs that would be furnished that day to Domestic Intelligence Division (DID). The purpose for making the Xerox copy as Belter understood it was to enable [REDACTED] to specifically answer any requests that might emanate from the logs that have been sent to the DID concerning individuals mentioned therein. These Xerox copies were usually destroyed within two to three days after they were made.

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[REDACTED] informed Belter shortly after the initial wiretaps had been placed into operation that to the best of his knowledge [REDACTED] these wiretaps had been approved by the then Attorney General, John Mitchell. Both Belter and [REDACTED] then surmised that these wiretaps must have been approved by the then Director Hoover prior to transmittal to the Attorney General.

Supervisor [REDACTED] WFO

[REDACTED] advised on 5/8/73 that sometime during the Summer, 1969 (in his capacity as liaison representative from WFO with the C&P telephone company) he received oral instructions from Ernest Belter, former supervisor of WFO monitoring installation (now retired) that certain telephonic surveillances (wiretaps) would from time to time be placed on certain phones in an attempt to uncover leaks at the White House. [REDACTED] when he received oral instructions to initiate these wiretaps, in turn orally requested a C&P representative to effect the requested wiretap. Sometime after July, 1971, officials of telephone company visited Bureau headquarters and requested that in the future the FBI pay for leased lines it had in operation or would request in future. Telephone company legal department also requested at this time that leased line letters requesting telephone company assistance for placing of wiretaps be used by FBI to request such assistance rather than orally as was previous method. [REDACTED] recalled sometime in August, 1971, based on new procedures agreed upon by FBI and telephone company, he began to receive from time to time from Belter sealed

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leased line letters which requested telephone company to install wiretaps on telephone numbers and addresses of unnamed individuals. [] stated leased line letters do not identify individual by name. [] could not now specifically recall the names of any individuals on whom these wiretaps were placed, or if the leased line letters, mentioned above, pertained to wiretaps relating to White House leaks. [] would also be advised by Belter orally to discontinue wiretaps and upon receipt of these instructions [] would orally advise telephone company contact to discontinue. No written request was made for discontinuance.

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Monitoring Employees of the WFO - Summary of Information Furnished

The following six clerical employees of the WFO who monitored these wiretaps either entirely or partially during 1969 - 1970 and early 1971 were as follows: []

[] One additional clerk who is now a Special Agent, will be interviewed. He is the only other employee who conducted monitoring duty on this project.

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These employees were instructed by either Supervisor [] or Ernest Belter, since retired, to handle this project on a very confidential basis, making only one copy of logs containing information monitored from the wiretaps. They did no dictation to stenographers, reused the tapes that recorded the conversations furnishing no tapes to any Bureau supervisors or officials. They also were instructed not to place their initials on any of the logs. Their basic instructions were to be alert for and record information which could be construed as possible leak of sensitive information from the White House through these wiretaps. [] of opinion project instituted by Assistant Director William Sullivan and results of wiretaps furnished to General Haig, [] and [] on two separate occasions each carried one log to Assistant Director Sullivan's office.

The aforementioned employees could recall no information received from these wiretaps which they construed as a leak of information from the White House nor did they overhear any information which they considered a breach of national security. They were only able to furnish nonspecific information concerning these wiretaps but also recalled recording conversations of Averell Harriman, General Alexander Haig, Daniel Ellsberg, and Henry Kissinger. With the exception of Ellsberg, the majority of information discussed by these people involved the war in Vietnam, but even these were only vague recollections. Ellsberg in late 1969 and early 1970 conversed with Dr. Morton Halperin and was a house guest of Halperin. No significant data recalled regarding Ellsberg's conversations. (In connection with the Ellsberg trial, we certified by letter to the

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Department 2/13/73 that Ellsberg had never been overheard in nor been the subject of an electronic (telephone) surveillance.) President Nixon heard talking with William Safire in late 1969 or early 1970 regarding a speech Safire preparing for President on welfare matters. In the interest of clarity and brevity the discussions overheard regarding the aforementioned prominent persons recorded on individual FD-302s but are not set out herein.

HANDLING OF WIRETAP RESULTS, FBIHQ

Donald E. Moore, Inspector, #1 Man, Intelligence Division

Moore (who was #2 Man of the then DID during 1969 - 1971) advised he was generally aware of very special program supervised by former Assistant Director William C. Sullivan and Bureau Supervisor Bernard Wells. Moore never was specifically briefed or present at any conference concerning alleged wiretaps. He cannot now recall exactly how he learned of wiretap. Moore understood the purpose of the wiretaps was to determine existence of leaks dealing with national security information. Moore had no direct dealing with special program nor did he handle any logs or paper work with exception of one occasion, which occurred in 1970, when Sullivan and Sizoo (the #1 Man of DID) were both away from headquarters. Period of time involved three days. Moore advised Assistant Director William Sullivan prior to leaving headquarters gave instructions to Moore that if anything "startling" resulted from program Moore was to call Miss Gandy immediately and relay information. Under no circumstances was Moore to advise Assistant to the Director Cartha D. DeLoach. No instructions were left concerning dissemination of logs or any other Bureau communication. Moore advised that several logs came to his attention -- no "startling" information -- Miss Gandy not contacted. Information came to him in a sealed envelope and after Moore perused logs, resealed envelope and left them for Mr. Sullivan's attention upon his return. Moore believed Sullivan kept logs and other correspondence pertaining to special program in his locked desk. Moore recalled that [redacted] and [redacted] were designated by Mr. Sullivan to type communications resulting from special program.

[redacted] former FBI Secretary.

Moore [redacted] former Bureau employee and secretary to Donald E. Number Two Man in DID, assigned to Baltimore), the then advised from February or March, 1970, under circumstances which she could not recall, she began taking dictation and typing letters for Mr. Bernard Wells, Supervisor, DID, on information from logs concerning wiretaps. She recalled each dictation included two separate letters, one directed to the President, Mr. Nixon, and the other to the Attorney General,

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Mr. Mitchell. Letters were an original and one yellow copy each, usually of one page with one, two or three short paragraphs and contained summary of information from logs. Letters were prefaced with statement, "The following information was obtained from a reliable and/or sensitive source and may be of interest to you." At some later date, exact time unrecalled, letters which were formed y addressed to Mr. Nixon were then addressed to Mr. Haldeman in the White House and the other continued to be sent to the Attorney General, Mr. Mitchell. She could not recall any significant or dynamic information in these letters. She considered this function above and beyond her normal duties and wouldn't have minded it if she felt contents were extremely important, but recalls they appeared to contain nothing of a stimulating interest. Letters did not have an abstract and yellow copy was never returned to her for filing. She recalls filing logs in this program in Mr. Sullivan's safe-type cabinet in his office. She remembers that after Mr. Sullivan approved and initialed the yellow copy the letters were then hand carried to the Director's Office. After Mr. Sullivan moved to the Justice Building about July, 1970, she went with him as his personal secretary. Then after she prepared the letters for Mr. Wells she would personally hand carry them to Miss Helen Gandy in the Director's Office.

[redacted] advised she recalled that in connection with this very special project she typed two or three authorization requests to the Attorney General, Mr. Mitchell, for technical surveillance and/or microphone surveillance. She described these as being prepared on blue letterhead stationery, an original, one thin copy and one yellow copy. These were then handled in precisely same manner as letters heretofore mentioned.

[redacted] could not specifically recall identity of names mentioned in the summary letters, stating she has a poor memory for names but could quite possibly recall names mentioned in these communications if she heard them mentioned. Several names were furnished to [redacted] and she recognized the names mentioned in summary letters or said the names sounded familiar. Names she identified as being mentioned in the summary letters are: Henry Brandon, Tony Lake, Daniel Davidson, Winston Lord, Colonel Robert Pursley, William Beecher, Richard Pedersen, Richard Moose, and Helmut Sonnenfeldt. She could not recall the names on the wiretap requests.

She had no first hand knowledge of White House personnel who received information from this program but recalls General Haig of the White House visiting Mr. Sullivan and further recalls [redacted] calling Mr. Sullivan by telephone.

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[] said that about June or July, 1971, she prepared logs for Mr. Wells at his request to carry to the DID. She placed them in five large Government messenger envelopes and he departed with them. In August, 1971, after she returned from her vacation she noticed the logs had not been returned. When inquiring with Mr. Sullivan as to their location, he replied "Mr. Wells and Mr. Brennan are working on them." She asserted she never saw these logs again.

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[] Former Secretary, DID

[] was Mr. Donald E. Moore's secretary, DID. About Summer of 1969 she was personally called in by Mr. Sullivan, who advised her of a sensitive program which she was to take dictation from Mr. Wells. She was chosen, according to Sullivan, because of her loyalty and extreme competency. Sullivan impressed her this should be closely guarded. Thereafter she took letters from former SA Wells that she knew to be from wiretaps. She claims the first letter was three pages long, length specifically recalled, but contents not recalled. Thereafter during the first several months letters were prepared about every day. Thereafter it tapered off to about one per week. She specifically recalls letter to White House comprised of one white original and one yellow. Thereafter approved by Sullivan by initial, then returned to Wells. She never saw it again. She knows it did not go to Reading Room because dictation not up to Reading Room par and would have been returned; therefore, assumes went directly to Director's Office. She cannot recall Wells dictating from logs. He sat across from her -- dictated from research material which she described as pink in color like pink teletype copies. She filed no yellows and filed no logs. She did not file anything in Sullivan's lower drawer of two-drawer safe-type cabinet. Associates names of Morton Halperin, Helmut Sonnenfeldt, and possibly Marvin Kalb with Wells' dictation. These names recalled only after a lengthy list of names read to her, not from her own recall. She advised Inspector Donald Moore was unaware of nature and content of her typing for Wells.

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INVENTORY OF MR. HOOVER'S SAFE AND FILE CABINETS

Shortly after Mr. Hoover's death, Special Agent [] was assigned to inventory the contents of Mr. Hoover's safe and file cabinets. Upon interview SA [] advised this operation took about three weeks. He made an inventory for each of the drawers, which inventory he placed in front of each of the drawers on the inside. After doing this, he composed an alphabetical inventory consisting of about 25 pages (one copy only) which he, in turn, gave to Mr. Felt.

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In reviewing contents of safes and cabinets SA [] noticed nothing pertaining to White House taps of any kind with exception of wiretap information on Martin Luther King contained in three or four brown sealed envelopes that formerly belonged to Assistant Director Sullivan. According to [] Miss Gandy maintained two 3 x 5 card boxes of index cards on items contained in these cabinets and safes. These index card boxes were left in Mr. Felt's office.

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OCTOBER, 1971, ATTEMPT TO RECONSTRUCT FACTS OF SPECIAL COVERAGE

Following departure of former Assistant to the Director Sullivan when he retired it was discovered that all records he had maintained in his office concerning special highly sensitive coverage maintained at the request of the White House were missing. Due to the extremely sensitive nature of these records Sullivan maintained the only copy of all records concerning this coverage. Assistant Director E. S. Miller undertook a project to reconstruct as many facts as possible concerning this coverage particularly the identity of the individuals on whom the coverage was maintained. The results of that inquiry were substantially the same as to the 16 individuals listed in my memorandum of 5/7/73.

NEW DEVELOPMENT

We have learned just today that a telephonic request was received by Special Agent James Wagoner, Intelligence Division, from [] of the Department, 5/7/73, in regard to the current trial of Daniel Ellsberg, et al. That request was for an update certification through the Department concerning any electronic surveillance coverage of the defendants in that case, their attorneys, and the consultants for the defendants' attorneys.

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ACTION:

All facets of this inquiry are receiving prompt and intensive investigative attention.

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LIST ALSO INCLUDES NAME MORTON HALPERIN (DEF. WITNESS)
THIS JOINS ISSUE. SUGGEST CONFERENCE, INCL. MILLER
& MINTZ, YOUR EARLIEST CONVENIENCE.

FMW

CE

UNITED STATES GOVERNMENT

Memorandum

~~TOP SECRET~~

TO : MR. WALTERS

FROM : INSPECTOR O. T. JACOBSON

SUBJECT: WIRETAPS ON NEWSPAPER MEN

CLASSIFIED BY 5/9/73
ON June
Specov
DC

Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller, E.S. ☐
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☒
Tele. Room ☐
Mr. Baize ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conny ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Hogan ☐

This is a summary of our progress of the on-going inquiry being conducted by the Inspection Division in response to the memorandum from Acting Director Ruckelshaus to Mr. Felt dated 5/4/73 in the captioned matter.

INTERVIEWS WITH FORMER BUREAU OFFICIALS

Original impounded by court order. See memo in 63-16062-13 *pm*

Former Assistant to the Director William C. Sullivan

William C. Sullivan, Director, Office of National Narcotics Intelligence, U. S. Department of Justice, after having been advised of the nature of the inquiry in this matter by Inspector N. F. Stames and Special Agent G. O. Watt today, requested that all questions concerning this matter be directed to him in writing. He stated he would then to the best of his ability answer each question presented. The interview of Mr. William C. Sullivan was concluded at that time.

A letter directed to Mr. Sullivan from the Acting Director has been forwarded separately for approval with pertinent questions relating to this inquiry.

DECLASSIFIED BY 2547 PMS/STC
ON 6/25/81

Bernard A. Wells, Former Special Agent, FBI

Mr. Bernard A. Wells, former FBI employee and supervisor in Domestic Intelligence Division (DID), currently employed as an attorney advisor, Criminal Division, Department of Justice, advised that in the Summer of 1969, exact date unrecalled, Mr. Sullivan, the Assistant Director of DID, apprised him of a wiretap operation concerning the White House and instructed him he was to carry out the operations. Sullivan advised him this was a sensitive project and was authorized by the Director. He is certain this operation had been on-going for some time, believed to be three or four weeks, and material relating to project was initially maintained in the Director's office. Wells absolutely sure because when he started working on the project logs were already in existence.

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REC
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16-144/50

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18 MAY 22 1973

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These logs had been maintained in Mr. Hoover's office. Wells advised he gained distinct impression from Mr. Sullivan that at inception of program only Mr. Sullivan, Mr. Hoover and Miss Gandy had knowledge. However, the number of logs increased to the point where they needed assistance and Mr. Sullivan delegated this to Mr. Wells. Wells said he reviewed logs given to him by Mr. Sullivan and then dictated to [redacted] and later after [redacted] left the FBI, he dictated all to [redacted]. He advised he dictated directly from logs; the resulting summary letter going only to the President of the United States, Mr. Nixon, and later to Mr. Haldeman, White House staff. This letter was comprised of an original and one yellow copy. He advised that routinely he did not dictate a copy for the Attorney General. At a date unrecalled, probably in 1970, he was instructed by Mr. Sullivan, who relayed information to him that Mr. Hoover wanted a summary to be sent to the Attorney General, Mr. Mitchell. As best Wells could recall he dictated at least three of these summaries during 1970 and early 1971. He recalls that this was letterhead memorandum. He advised that at the inception of the program when he first became involved all logs were returned to Mr. Sullivan. Later, when [redacted] took the dictation he left the logs on her desk and she filed them. He advised that from time to time he dictated letters requesting authorization concerning this program to the Attorney General, Mr. Mitchell. He advised he could not recall the dates at all, particularly in view of the fact that the wiretaps on any one individual might be discontinued and continued again at a later date. He specifically recalled writing letters requesting authorization on the following individuals: William Safire, Colonel Robert Pursley, and Helmut Sonnenfeldt. He advised the following individuals were people on whom the wiretaps were placed at their home residence: Henry Brandon, Morton Halperin, Tony Lake, Daniel Davidson, Winston Lord, Marvin Kalb, William Beecher, Hedrick Smith, Ambassador William Sullivan, and Richard Moose.

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Wells advised that when he was first taken into the confidence of Assistant Director Sullivan he was advised that the wiretaps were authorized by the Attorney General and Mr. Hoover had insisted upon authorization. Later, when he became more involved, he was sure of this fact because he dictated letters requesting authorization and said that he saw them returned with Mr. Mitchell's signature. Wells could not recall when or where he saw them and did not know where they were filed. He advised the logs were filed in Mr. Sullivan's office in a two-drawer, safe-type cabinet.

Wells said with regard to the letters requesting authorization there was only one original and one yellow copy -- no tissue. This again was on instructions

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of Mr. Hoover as relayed to him by Mr. Sullivan. With regard to all yellows Mr. Wells said he knew they were filed outside Mr. Sullivan's office in a safe-type cabinet in the reception area when Mr. Sullivan was in 9th and D. When he moved to the Justice Building the yellows were filed beneath the mail rack located just outside Mr. Sullivan's office along the left wall. Beneath this mail rack was a series of two-drawer, safe-type cabinets. One of the middle cabinets was used to store the yellows. They were in a file which Wells called "Outside Correspondence." Nothing else was in the file but the previous yellows bound together by an Acco fastener and file back. He frequently referred to these yellows when dictating new summary letters. Therefore, knows they were returned and filed as set forth above. He did not know who filed them.

Wells said he could not now recall any specific conversations. He said he could generalize to the extent that in all wiretaps both the individual involved and his wife talked extremely loosely about the projects they were concerned with at the White House to both their friends and in some instances to members of the news media. He felt the tap was useful because it indicated how loosely and carelessly information of a highly critical nature was bandied about. Wells said he specifically recalled one instance in which the name Ellsberg appeared in the logs. He could not recall which log was involved; however, his best recollection was Morton Halperin. In this instance Halperin spoke to some unknown party of attending a party either with or for Ellsberg. Ellsberg was not a party to the conversation. He said in fact that in early June of 1971 as best he could recall on Mr. Sullivan's instructions he reviewed all the logs and determined Ellsberg was not a party to any telephone conversation. He neither made a call nor received one.

Wells recalled that the last time he saw any of the material involving this wiretap operation was approximately a month before he retired from Bureau service. He retired July 30, 1971. He said that Mr. Sullivan instructed him to discontinue the program. Wells advised that any correspondence he dictated was always over Mr. Sullivan's initials. He received this instruction from Mr. Sullivan.

Mr. Wells was specifically asked if he ever saw any material pertaining to this sensitive program, any digest of material, or any correspondence whatever relating to this material in Mr. Mardian's hands at any time. He replied emphatically, "No." This question was repeated three times. The answer in each instance was "No." He was asked if sometime in September or

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October, 1971, he had any reason to feel apprehensive over the fact that written Bureau communications concerning this program had found their way outside the FBI. He said "No." He said the only time he knew or was informed in any way that someone outside the Bureau may be in possession of this material was a telephone call he received from Mr. Edward Miller, Assistant Director, DID, about a week and a half after Mr. Sullivan retired. In this conversation, which was telephonic, and when Mr. Wells was no longer an FBI employee, Mr. Miller requested him to call Mr. Mardian to ask him, Mardian, if he had any material relating to this special project. Mr. Miller told Mr. Wells that he had information to the effect that Mr. Mardian may have some of this information. Mr. Miller also supplied the telephone number in San Clemente, California, where Mr. Mardian could be reached.

Mr. Wells advised he reached Mr. Mardian almost immediately, relayed the message, and Mr. Mardian advised he would have to contact the Attorney General and the President before he could answer. Wells said he received a phone call a short time later and he was advised that Mr. Mitchell had told Mr. Mardian not to answer this question. Mardian asked Wells to so advise Mr. Miller and that Mr. Mardian would call Mr. Miller directly at a later time. Mr. Wells said he complied with Mardian's request and that's the last he heard of the incident. Wells was emphatic that he never saw any of the material after he dictated the last summary letter. He never saw it again either in the Bureau or since he left the Bureau.

It will be recalled that sometime during September, 1971, Wells told Section Chief Thomas Smith that Robert Mardian had shown Wells a large number of extremely sensitive documents involved in this matter and asked that Wells take charge of these documents in order to afford them the greatest possible security. Wells is now denying this.

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Joseph A. Sizoo, Former #1 Man, Domestic Intelligence Division

On May 9, 1973, Joseph A. Sizoo, former Number One Man, Domestic Intelligence Division (DID), now retired, was interviewed regarding any knowledge in his possession concerning possible wiretaps on newsmen and/or Government officials in connection with high-level leaks of national security information. He stated he supervised DID in the absence of former Assistant Director William C. Sullivan and was aware of a wiretap operation of this type which began approximately one year after President Nixon's inauguration and lasted for a "couple of months." Mr. Sizoo stated he has no personal knowledge of this operation and at no time was he ever briefed as to its details. He was aware, however, that the operation took place and was handled directly by SA Bernard Wells per instructions of Sullivan. The only other person at FBI Headquarters whom he believes had personal knowledge was Miss Gandy and possibly Mr. Hoover. He does not know the identity of the persons in the Department of Justice or White House who may have issued instructions concerning this coverage but during this period Mr. Sullivan was visited regularly by General Haig who at that time was assigned to the White House. Although Sizoo had no personal knowledge there were occasions when he was in communication with [redacted] Washington Field Office (WFO) per specific instructions of Sullivan. It is his recollection that during some of these conversations with [redacted] he may have passed on instructions to install wiretaps but he does not recall any details or names. In return he may have been called by [redacted] in Sullivan's absence, concerning information in connection with the wiretaps, however, he does not recall the substance of any such conversations. He merely passed the information on to Sullivan. Sizoo does not recall ever issuing any specific instructions to WFO concerning whether or not that office should maintain or not maintain records concerning these wiretaps.

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It was Sizoo's vague recollection that [redacted] during the latter part of this operation, was anxious to have these wiretaps discontinued and may have asked Sizoo to attempt to persuade Sullivan to do so. He believes he might have told [redacted] that this was something that [redacted] should discuss with Sullivan. Sizoo also recalls that he may have written one letter to the Attorney General requesting authority for a wiretap in this program on an unrecalled individual but he isn't sure and he does not recall the name of this person. If he did, he would have used Sullivan's typed initials at the bottom of the yellow since this was Sullivan's project.

It was his recollection that Sullivan instructed him to forward any logs received from WFO in a sealed envelope to Wells which he did. He occasionally

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received sealed envelopes from WFO when Wells was not available. Upon receipt and upon opening it to determine its contents and realizing these were logs from wiretaps, he held them for Wells or furnished them to Sullivan. He may have perused them briefly but he does not recall the names or contents thereon. This occurred approximately once every week and a half or two weeks.

Sizoo has no knowledge concerning any individuals who were possibly involved in these wiretaps. With regard to retention of this material, he believes it was held in Miss Gandy's custody during the first part of the operation but later transferred to Sullivan's office where it was maintained in secure safe or cabinet. He has no knowledge of documentation, or files or material relating to this program.

He is unable to furnish any additional pertinent information which might be of assistance in this matter.

SAC Charles D. Brennan, Alexandria Office

SAC Brennan advised 5/9/73 that in Fall of 1969 or early 1970 on a Sunday morning after church around noon he received a telephone call from Assistant Director Sullivan who wanted to know the mechanics for placing wiretaps. Sullivan would not discuss matter on phone since Sullivan said it involved ultra-sensitive situation. Brennan went to Sullivan's office immediately where Sullivan advised him that President Nixon was concerned about leaks from the White House and wiretaps were requested on members of White House staff and some members of press. Sullivan disclosed no names of person(s) requesting coverage or on whom coverage to be placed. Sullivan stated he had called Director Hoover at home and received Hoover's okay, but Hoover was adamant about getting the Attorney General's approval first. Hoover was emphatic that Sullivan must go through usual channels with the Attorney General for written approval. Brennan told Sullivan Mike Rosamus, now retired, was the mechanic for such matters and Brennan then called Rosamus into office immediately to handle for Sullivan. Brennan believes he left office before arrival of Rosamus but believes he later that evening telephoned Rosamus with Rosamus assuring him he had handled the work for Sullivan. Brennan knew Sullivan shortly after project started had given log review responsibilities to Bernard Wells, who prepared summary letters under Sullivan's initials or later under Brennan's initials when Sullivan was out of town for transmittal to the White House. Brennan disclaimed ever seeing any requests for wiretaps, logs, or summary letters to the White House. Brennan never knew anything about termination of wiretaps and believed they were still in effect under Mr. Gray. Brennan knew the names of no one on

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whom wiretaps placed but does seem to recall names of Henry Brandon, Winston Lord, and Helmut Sonnenfeldt coming up in short discussions with Wells about results of wiretaps. Wells told him on occasions that project was fruitless as majority of material was social gossip.

Brennan recalls receiving visit in about August, 1971, at his 9th and D office from Sullivan who said he had a heavily loaded brief case for Robert Mardian containing highly sensitive material which the Attorney General was interested in reviewing. According to W. C. Sullivan Mardian unavailable at that moment and Sullivan instructed Brennan to deliver brief case for him. Brennan, after Sullivan left, called Mardian's office, determining Mardian would be back in about thirty minutes, at which time Brennan then delivered brief case to Mardian which Mardian was expecting from Sullivan. Brennan claims he did not open brief case and cannot specifically recall whether or not it was even locked. Brennan, therefore, could not say whether or not brief case contained any material regarding these wiretaps. Brennan said he made no record or phone call to Sullivan or anyone else about delivery of brief case.

Brennan last saw Sullivan 5/8/73 at funeral, but claimed he did not then or since Sullivan left Bureau discuss this matter with him.

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REINTERVIEW OF MONITORING EMPLOYEE [REDACTED] WFO, 5/9/73

[REDACTED] now recalls that on one occasion he saw entry on someone else's log that Daniel Ellsberg stayed at home of Morton Halperin over a weekend which he believes was prior to the Summer of 1970. Ellsberg made call from Halperin's residence to now unrecalled individual [REDACTED]

[REDACTED] can recall no other details of these conversations. Recalls incident only because this was unusual since it involved Dr. Halperin, a member of the White House staff. At the time the name Daniel Ellsberg meant nothing to him. Also recalls Halperin talked with Leslie Gelb but cannot recall details nor date of call. Gelb is involved in the Ellsberg - Russo Pentagon Papers Matter.

b6
b7C

SA [REDACTED] Newark Division, former monitoring clerk at WFO 1969 thru October, 1970, received impression this project was initiated by White House in attempt to discover leads from within White House. [REDACTED] not permanently assigned this project but can recall no conversations which he construed as being leaks of vital information from White House.

ACTION:

This matter is receiving expeditious attention and you will be promptly advised of all pertinent developments.

o/s

7/11/73

CDK

~~TOP SECRET~~

Assistant Attorney General
Criminal Division

May 9, 1973

Acting Director, FBI

Original impounded by
court order. See memo
in 63-16062-13 *for*

Specov

June

Attached hereto is a brief memorandum
concerning the ongoing investigation of alleged wire
taps possibly relevant to the Ellsberg case. My
recommendation is that this memorandum be
immediately filed with the Court.

DECLASSIFIED BY *9788/ST*
ON *6/25/87* *12/17/82*

Enclosure

SENT FROM D. O.
TIME 1:47 PM
DATE 5-9-73
BY *sent*

ENCLOSURE

REC-100

65-75025-8

MAY 29 1973

CE:edm (4)

Felt ☒
Baker ☒
Callahan ☒
Cleveland ☒
Conrad ☒
Gibbs ☒
Jenkins ☒
Marshall ☒
Miller, E.S. ☒
Rosen ☒
Thompson ☒
Walters ☒
Tele. Room ☒
Holmes ☒
Gandy ☒
1973

~~TOP SECRET~~

MAIL ROOM ☐ TELETYPE UNIT ☐

~~TOP SECRET~~

~~TOP SECRET~~

May 9, 1973

PRELIMINARY REPORT CONCERNING ONGOING
INVESTIGATION OF POSSIBLE WIRE TAPS OF
NEWSMEN AND OTHERS

Shortly after assuming office as Acting Director of the FBI my attention was called to the newspaper allegation that FBI personnel had been wire tapping unidentified newsmen. I was also informed that a search of the FBI records had not disclosed the existence of any such wire taps. Nevertheless, on May 4, 1973, I initiated an investigation to interview present and retired FBI personnel for the purpose of determining, if possible, whether there had been any such taps. A preliminary report which I received last night indicates that an FBI employee recalls that in late 1969 and early 1970 Mr. Ellsberg had been overheard talking from an electronic surveillance of Dr. Morton Halperin's residence. It is this employee's recollection that the surveillance was of Dr. Halperin and that Mr. Ellsberg was then a guest of Dr. Halperin.

I have no information concerning the substance of the conversation nor has the investigation to date been able to find any record of such a conversation. The investigation, of course, is not complete and further facts bearing upon the wire taps may be uncovered. Nevertheless, in view of the Court's expressed desire for prompt information relating to this matter, I am at this time giving you this preliminary report which may be relevant to the trial now in progress.

DECLASSIFIED BY 2842 Pm/pur/pude
ON 6/25/81

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Cleveland _____
Conrad _____
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larshall _____
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CE:edm (4)
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ENCLOSURE

65-77775-8

~~TOP SECRET~~

MAIL ROOM ☐

TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

~~TOP SECRET~~

Memorandum

TO : Mr. W. Mark Felt

DATE: 5/10/73

FROM : E. S. Miller

June

SUBJECT: PRELIMINARY REPORT CONCERNING
ONGOING INVESTIGATION OF POSSIBLE
WIRETAPS OF NEWSMEN AND OTHERS

1 - Mr. Felt
1 - Mr. Walters
1 - Mr. E. S. Miller
1 - Mr. Wannall
1 - Mr. EARDLEY

Mr. Felt ☒
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

For your information and for the record I want to call your attention to the letter Mr. Eardley prepared for the Acting Director to send to the Assistant Attorney General, Criminal Division of the Department, dated 5/9/73, forwarding a brief memorandum (yellow file copies attached) concerning the ongoing investigation of the allegation of possible wiretaps on newsmen and others.

DECLASSIFIED BY 7542 PWT/MLJ/MLJ 9788/H
ON 6/25/81-12-17-82

In the attachment to the letter Mr. Eardley pointed out that "Shortly after assuming office as Acting Director of the FBI my attention was called to the newspaper allegation that FBI personnel had been wiretapping unidentified newspapermen. I was also informed that a search of the FBI's records had not disclosed the substance of any such wiretaps. Nevertheless, on May 4, 1973, I initiated an investigation to interview present and retired FBI personnel for the purpose of determining, if possible, whether there had been any such taps."

I would like to respectfully point out that although the foregoing statement is generally correct, in my opinion it contains some inaccuracies which portrays the situation in a bad light. My own recollection of the developments surrounding the Acting Director's being informed concerning the allegation relating to wiretaps on newsmen is that at the time he was informed concerning the allegation on May 4, 1973, he was also informed that a previous inquiry in 1971 revealed that wiretaps had in fact been placed on newsmen and White House staff members from 1969 to 1971, and that the records relating to these wiretaps had been removed from custody of the FBI by former Assistant to the Director W. C. Sullivan and delivered to former Assistant Attorney General Robert C. Mardian, shortly before Sullivan's retirement in 1971.

Enclosures *attached*

ESM:bjr:bjz
(5)

65-75025-9
CONTINUED - OVER

MAY 29 1973

5-TID

ROUTE IN ENVELOPE

~~TOP SECRET~~

JUN 4 1973

Original impounded by
court order. See memo
in 63-16062-13

Memorandum to Mr. W. Mark Felt
Re: Preliminary Report Concerning
Ongoing Investigation of Possible
Wiretaps of Newsmen and Others

As I recall the sequence of events, the Washington Post carried a feature story in the 5/3/73 issue, alleging that wiretaps had been placed on phones of two reporters in 1971 in connection with leaks of the Pentagon Papers to the press. The story indicated that these wiretaps had been supervised by G. Gordon Liddy and E. Howard Hunt who were then working for the White House. The article also indicated that the team of wiretappers were not employed by the FBI.

Then, on 5/4/73, the Washington Post carried a story reporting that U. S. District Judge Matt Byrne, presiding over the Ellsberg case in Los Angeles, had ordered the Government to prove to him that the case against Ellsberg and Russo had not been tainted through secret investigations and wiretaps. Part of Byrne's ire, according to the article in the Post, was based on the stories appearing in the press alleging that newsmen had been wiretapped.

With the publicity and attendant developments relating to the alleged wiretaps of newsmen, I felt that it was imperative to inform the Acting Director of facts we had previously developed to indicate that the newspaper stories concerning possible wiretaps on newsmen were at least in part true. I discussed this with Mr. Walters and in a later discussion with the Acting Director on the morning of 5/4/73 Mr. Walters conveyed to him that further information concerning the allegations in the papers was in the possession of the Intelligence Division since all national security electronic surveillances are handled by that Division.

Accordingly, Mr. Walters, Section Chief T. J. Smith, and I met with the Acting Director in his office on the morning of 5/4/73 for a discussion concerning the newspaper allegations. We explained to him that from early 1969 to about the first part of June, 1971, national security wiretaps had been placed at the specific request of the White House and with the approval of the Attorney General on certain newsmen and White House staff members in connection with high level leaks of classified

CONTINUED - OVER

Memorandum to Mr. W. Mark Felt
Re: Preliminary Report Concerning
Ongoing Investigation of Possible
Wiretaps of Newsmen and Others

national security information. We explained that due to the prevalence of the aforementioned leaks and the absolute necessity to maintain the tightest possible security, knowledge of these wiretaps and the product therefrom was restricted to only those FBI personnel essential to the operation and that all records concerning them were maintained in the possession of former Assistant to the Director W. C. Sullivan.

We explained that in early October, 1971, following a bitter dispute between Sullivan and Mr. J. Edgar Hoover, which led to the retirement of Mr. Sullivan, it was discovered that the records relating to the special wiretaps which had been maintained by Mr. Sullivan had disappeared, but that information was developed that Sullivan had turned these records over to former Assistant Attorney General Robert C. Mardian. We related the allegation that had also appeared in print that Hoover had supposedly threatened to expose the wiretaps on newsmen and White House staff members if efforts were made to force him to step down from his position as Director of the FBI, and that the turning over of these records to Mardian might have been aimed at preventing exposure of the wiretaps by Hoover. I recall that the Acting Director inquired as to the possibilities of prosecuting responsible individuals and we voiced the opinion that it would probably not be possible to prosecute for several reasons, not the least of which was the absence of a corpus delicti.

Mr. Smith, who had previously identified sixteen individuals who were subject to wiretap during the pertinent period, was able to recall a few of them for the Acting Director and he specifically named Henry Brandon of the London Sunday Times; Dr. Morton Halperin, formerly of the National Security Council and who has figured prominently in the Ellsberg case; William Safire, formerly National Security Council member, and he recalled that two New York Times writers were included, although he did not remember their names at the time. Mr. Smith said that he could undoubtedly reconstruct the identities of all those he had uncovered before, and that work would start on this immediately and information would be furnished to him as soon as we could get it together.

CONTINUED - OVER

Memorandum to Mr. W. Mark Felt
Re: Preliminary Report Concerning
Ongoing Investigation of Possible
Wiretaps of Newsmen and Others

The Acting Director agreed that we should try to reconstruct the records as best we could and as soon as we could, and he asked for copies of all pertinent newspaper and magazine articles relating to the allegations concerning wiretaps on newsmen. He also asked for copies of transcripts of L. Patrick Gray's testimony before the Senate Judiciary Committee concerning the same issue. The articles and transcripts were furnished to the Acting Director later the same day.

I realize this may appear to be a rebuttal of the statement furnished to the Department, but I have not intended it to be such. Rather I feel that the statement prepared for the Acting Director by Mr. Eardley portrays the FBI in a bad light since it implies (1) that the newspaper allegations were called to the Acting Director's attention without any background being offered by officials of the FBI and further implies that wiretaps by the FBI on newsmen had continued up to the present time; (2) that he was merely informed that a search of FBI records had not disclosed such wiretaps, without the important qualifications relating to the facts; and (3) that since FBI personnel could not or would not furnish him any information on the allegations, he initiated an investigation.

I feel that this is not a precise statement of the facts and that under the circumstances of presenting the statement to the Department to give to the Court and subsequent appearance of the statement in the media, such precision is indicated.

We have not withheld any information from the Acting Director and we have been making every effort to cooperate and furnish him with all the facts and information which we feel will be of assistance to him. I have discussed this matter with Mr. Walters and he agrees.

CONTINUED - OVER

Memorandum to Mr. W. Mark Felt
Re: Preliminary Report Concerning
Ongoing Investigation of Possible
Wiretaps of Newsmen and Others

RECOMMENDATION:

That the above observations be furnished to the Acting Director for his assistance in answering possible inquiries which may be directed to him in the event the above statement as furnished to the Department and subsequently to the Court is misinterpreted by the media, which I feel is a good possibility.

F. M. EM

*I don't because no slight to
the FBI was intended in the memo
to the Court. If there is any misinterpretation
we will quickly correct it.*

and

5010-104

UNITED STATES GOVERNMENT

~~TOP SECRET~~

Memorandum

DECLASSIFIED BY

ON

DATE: 5/10/73

TO : MR. WALTERS

FROM : INSPECTOR O. T. JACOBSON

SUBJECT: ~~X~~ WIRETAPS ON NEWSPAPER MEN

JUNE

Specov

DC

Mr. Felt ✓
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters ✓
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hoxan _____

This is our daily progress report of the on-going inquiry being conducted by the Inspection Division in the captioned matter.

Office of the Acting Director, FBI, advised that sometime during 1969 former Assistant Director W. C. Sullivan, Domestic Intelligence Division (DID), telephonically contacted Director Hoover advising him of possible leaks at White House and that White House requested FBI place wiretaps on specific individuals whose names she could not recall. [redacted] believes requests originated from Colonel Haig of Dr. Kissinger's staff at the White House. Mr. Hoover advised Sullivan at that time that whatever wiretaps were placed would be done only with prior written authorization by the then Attorney General, John Mitchell. When original request for wiretap authorization concerning these special wiretaps was prepared for the Attorney General's approval, [redacted] would file the yellow file copy in the "Official Confidential Files" maintained in the Director's office. She stated this correspondence (as well as all other documents so maintained) was to be eventually made part of regular FBI files. [redacted] felt certain the requests for Attorney General authorization for these wiretaps were prepared at DID, and consisted of an original, thin white, and yellow copy. The Attorney General's office would keep the thin white and return to the FBI the original containing the Attorney General's written authorization. [redacted] presumes the original white was returned to DID inasmuch as she did not see the final authorization come back from the Attorney General's office.

She stated it was obvious to her these wiretaps were "special" since this was the first time to her recollection that yellow copies of Attorney General authorization requests for wiretaps were kept in the Director's office. All yellow copies of "special" wiretaps were maintained in one folder. Also, to the best of her recollection, she filed yellow copies of summaries containing wiretap results in this same folder but could not say that each justification letter was also followed by a summary. [REDACTED] could not recall to whom summary letters were forwarded nor did she know who prepared them. She believed there were approximately 6 to 8 individuals who were subjects of these wiretaps.

Original impounded by
OTJ:wgj pursuant order. See memo
(2) in 63-16062-13

CONTINUED - OVER

65-75085-10

JUN 4 1973

~~TOP SECRET~~

18 MAY 22 1973

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Memo for Mr. Walters
Re: Wiretaps

While W. C. Sullivan was still Assistant Director of DID, a decision was made by Mr. Hoover that all correspondence regarding "special" wiretaps which were maintained in the Director's office be transferred to Sullivan's custody at DID. She assumed that special coverage ceased following transmittal of this material since she could not recall filing any additional copies of Attorney General authorization letters or summaries subsequent to this transfer. [redacted] stated very emphatically that during her 16-year tenure in the Director's office, she specifically recalled Mr. Hoover stating adamantly on many occasions during this period and up until his death, in her presence, that as long as he was Director of the FBI he would never personally authorize wiretap coverage on anyone without prior written Attorney General approval. Mr. Hoover explained that the basis for his decision was that a system of "checks and balances" had to be maintained at all times.

b6
b7C

Assistant Director E. S. Miller, Intelligence Division, was interviewed on 5/10/73, and advised that on 9/30/71 after it was realized sensitive material and documents in this matter were missing he was instructed to conduct a thorough search of DID space, which he did with negative results. He was also instructed to attempt to reconstruct as many facts as possible concerning all facets of this coverage. Although he has no personal knowledge of this matter, his inquiry established that the only individuals at FBIHQ who were involved were Assistant to the Director Sullivan, SA Bernard Wells, and the Director. Sullivan apparently without the Director's knowledge, assigned SA Wells to analyze the results of the coverage which were furnished to him in a sealed envelope from Washington Field Office (WFO). Details concerning the administrative handling of these matters by Wells were furnished by Miller. In addition, Miller provided the names of the 16 persons who were reported to be subject to these wiretaps. He stated the coverage was discontinued around the end of May or first part of June, 1971. Following the discontinuance it was learned through Miller's inquiry that all known copies of material were placed in Sullivan's possession because of its sensitivity. It was later realized that Sullivan apparently disposed of the material sometime between the last of July, 1971, and the time he departed on leave prior to his retirement. In attempting to reconstruct this matter Miller learned that SA Wells told SA Tom Smith, presently of the Intelligence Division, that Mardian had the sensitive material 3 weeks prior to 10/2/71. On 10/2/71 Miller contacted Wells in an attempt to learn of its whereabouts. Wells was unable to assist in this matter but contacted Mardian and reportedly was told by Mardian that "This matter doesn't concern you at all. Tell Miller that I'll take care of it. Have him get in touch with me. Tell Miller not to worry, Sullivan won't get them." This was reportedly furnished to the Director by Mr. W. Mark Felt. The Director then reportedly contacted Attorney General Mitchell, who advised that Mr. Mardian had assured him (Mitchell) the sensitive material had been destroyed, and the Attorney

Memo for Mr. Walters
Re: Wiretaps

General reportedly told the Director that Mardian said the Director approved of his, Mardian's, taking possession of the files. In previous intra-Bureau correspondence the Director noted to this latter comment, "This is a lie." On 10/3/71 Miller tried contacting Mardian by phone to set up an interview by Mr. Felt. When Mardian was finally reached he stated, "I instructed Wells not to discuss this matter and I can't discuss it on the Attorney General's orders. The Director will have to discuss it with the Attorney General." He also said, "I want to assure you there is no problem." Miller advised his inquiry also established that on 10/5/71 Mr. Sullivan was interviewed telephonically concerning this matter by Mr. Felt. Mr. Sullivan said he sent the material back to DID and suggested that attempts be made to locate it there.

(It should be noted on afternoon of 10/5/71 Sullivan personally admitted to Mr. Felt he sent the special files about 3 months before to the DID building to be made available to Mardian. Former Assistant Director Brennan confirmed this, and gave brief case of material to Mardian.)

Miller advised that the New York Times and Washington Post feature articles 2/26/73 issues concerning a Time magazine story in the issue coming out 2/26/73 accused the FBI of having tapped 6 or 7 reporters' telephones 3 years previously and a number of White House aides in connection with leaks from Administration aides. The article (which was apparently garbled) related that Acting Director L. Patrick Gray, III, continued the taps for one and a half months before U. S. Supreme Court overruled the wiretap policy in June, 1972. As a result of these articles Miller furnished Mr. Felt background details concerning FBI investigation involving wiretaps of newsmen and certain White House aides between 1969 and 1971 (prior to Mr. Gray's designation as Acting Director) who were subject of electronic surveillances as well as wiretaps placed at request of President Nixon and the Attorney General on individuals between December, 1971, and June, 1972, who were not newsmen but persons suspected in connection with leaks from Joint Chiefs of Staff to Jack Anderson. Mr. Felt reportedly advised Mr. Gray of above.

Miss Helen Gandy, who was Mr. Hoover's personal secretary, is being interviewed this afternoon. Also, former Assistant Attorney General Robert Mardian is being interviewed at Phoenix, Arizona. Results of these interviews will be promptly furnished when obtained.

ACTION:

This inquiry will continue to receive expeditious attention.

~~TOP SECRET~~

Mr. William C. Sullivan
Director
Office of National Narcotics Intelligence

May 10, 1973

Acting Director, FBI

JUNE

**SENSITIVE COVERAGE PLACED AT REQUEST
OF THE WHITE HOUSE**

Original impounded by
court order. See memo
in 63-16062-13 *per*

I have been informed that upon interview by an Inspector and a Special Agent of this Bureau you requested that all questions concerning this matter be directed to you in writing and that you would thereafter, to the best of your ability, answer each question presented. The following is in response to that request:

DECLASSIFIED BY *2842 AM/10/10/82* 9788/11
ON *10/25/87*
12-17-82

Background

As you know, in early 1969 the FBI was requested to initiate sensitive coverage (wiretaps) of certain White House staff members and others in order to uncover possible leaks at the White House affecting the national security. The purpose of this interrogatory is to fully resolve details of that coverage. You are requested to respond to the following:

1. The identity of the White House official or officials who requested that the FBI initiate this sensitive wiretap coverage and identity of any follow-up calls for similar coverage on others.
2. By what method were these requests for wiretap coverage transmitted to the FBI?
3. To what FBI official (s) were these requests made?
4. Was written authorization received at the FBI from then Attorney General Mitchell, as was the procedure in other national security matters of this nature? Was a written authorization secured from the Attorney General on each? If not, why? If so, where might such written authorization now be located?
5. Were there records of these wiretaps kept by the FBI at any time?

*Approved for Acting
Director by W. Carl Easley*
*Personally delivered to
W.C. Sullivan, 11:34 AM,
5/10/73 by Sup. N.F. Spencer &
SA Gary [unclear]*
OTJ:bhg (4)

18 MAY 22 1973

See Note Page 5

~~TOP SECRET~~

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rley _____
organ _____

Mr. William C. Sullivan.

- a. If so, describe such records.
 - b. Where, when, and by whom were such records kept?
 - c. Were these records maintained in your personal and official custody while serving as Assistant Director and Assistant to the Director?
 - d. If so, on whose order were they so maintained?
 - e. Who had access to these records while in your custody?
 - f. What became of the records in your custody?
6. If some records were maintained by FBI personnel other than yourself describe the records, identify the persons having custody, the period of time of such custody, the present whereabouts of such records, if known, and if not known, any information in your possession relating to their maintenance and disposition.
7. Identify the officials in the United States Department of Justice and the FBI responsible for carrying out the wiretap program. Specify the duties and responsibilities of each.
8. To the best of your recollection, name the individuals on whom wiretaps were placed.
9. To the best of your recollection, state the approximate times during which each wiretap was in operation.
10. To the best of your recollection, describe the results achieved from each wiretap.
11. Identify all FBI personnel who had any connection with the installation, review, analysis, recording and dissemination of the results of the wiretap information in question.

Mr. William C. Sullivan

12. To whom and in what manner was such information disseminated?
13. From whom and in what manner were instructions issued to discontinue the wiretaps?
14. To whom in the FBI were these instructions issued? When did all such activity cease on wiretaps, the records of which were maintained in your custody?
15. On October 5, 1971, you advised Mr. W. Mark Felt that you gave Charles D. Brennan (now SAC at FBI Office in Alexandria) a brief case containing the sensitive material obtained as a result of the above wiretaps with instructions to Brennan to give the brief case to then Assistant Attorney General Robert Mardian. Describe in detail the contents of this brief case. Specifically cover whether it contained the authorizations from the Attorney General applicable to these wiretaps. When was this done? Was it done before or after you applied for retirement?
16. Who in the FBI made the decision to turn over internal FBI records directly to Mr. Mardian? What conversations did you have with others regarding this? With whom?
17. On whose authority was this decision made?
18. Why was this material turned over to Mr. Mardian?
19. What disposition was made of this material and by whom? Was the Attorney General aware of the disposition?
20. Were any copies made by you or anyone else to your knowledge of this sensitive material before or after its transmittal to Mr. Mardian? If so, what happened to them?
21. As this wiretap project was on-going, to whom in the White House or any other place were reports made concerning results obtained?
22. How were these reports conveyed (written or oral), and with what frequency were they made?

Mr. William C. Sullivan

23. Do you have any information which would indicate that any specific wiretap coverage continued after authorization was rescinded? If so, provide details.

24. Do you have any knowledge, or reason to believe that Mr. Mardian or anyone else turned over any material in this matter to Gordon Liddy, Howard Hunt, James McCord, John Dean, or anyone else at the White House or elsewhere? If so, provide details.

25. There have been leaks of FBI data concerning this matter to Time magazine and possibly other periodicals. Are you aware of the source of any such leaks? If so, provide details.

An expeditious response is requested.

Mr. William C. Sullivan

NOTE: When approached for interview on May 9, 1973, by Inspector N. F. Stames and Special Agent G. O. Watt, Mr. William C. Sullivan after having been advised of the nature of the inquiry requested that all questions concerning this matter be directed to him in writing. He stated he would then to the best of his ability answer each question presented.

This communication is being directed to him from the Acting Director in view of the highly sensitive nature of the inquiry as well as the desirability of a prompt response.

~~TOP SECRET~~

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. William D. Ruckelshaus
Acting Director
Federal Bureau of Investigation

FROM : William C. Sullivan
Director
Office of National Narcotics Intelligence

DATE: May 11, 1973.

DECLASSIFIED BY
ON

June

SUBJECT: SENSITIVE COVERAGE PLACED AT REQUEST
OF THE WHITE HOUSE

Original impounded by
court order. See memo
in 63-16062-13

Please refer to your memorandum to me of May 10, 1973. In answering your questions I will follow the format of your memorandum extending from question 1 through 25.

1. In regard to the White House, I think it would be most appropriate if this question was addressed to Mr. Haldean.
2. By both conversations and written communications.
3. The requests were made either directly of Mr. J. Edgar Hoover or indirectly through myself.
4. Written authorization was secured from the Attorney General in each case.
5. Yes, these records were maintained in my office at the FBI.
 - (a) The records included logs, summaries and correspondence.
 - (b) As indicated, these records were maintained in my office.
 - (c) Yes.
 - (d) They were maintained by me on the orders of Mr. J. Edgar Hoover. He did not want them in FBI files and said so on two or three occasions.
 - (e) Mr. Bernard Wells, then a supervisor in the Domestic Intelligence Division, myself, and any secretary selected to handle the dictation (restricted to two for the most part).
 - (f) These records, on Presidential and Attorney General request, were given to Mr. Robert C. Mardian, then Assistant Attorney General of the Internal Security Division of the Department.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-17-82 BY 9788/ff

Personally handled
by Mr. Sullivan
at 5:32 PM 5-11-73

declassified by
6855 DM/ff
10-6-77

~~TOP SECRET~~

65-75021-12

10-Lim/58

18 MAY 22 1973

Mr. William D. Ruckelshaus

6. The records were maintained, as indicated, in my office and not by personnel other than myself.
7. Apart from the secretaries, persons handling the wiretap program were Robert Haynes who handled liaison, Bernard Wells who handled the analysis and dictation, and myself handling administration.
8. To the best of my recollection, the individuals on whom wiretaps were placed included: Ira Davidson, Martin Halperin, Henry Brandon, Mr. Lord, Mr. Lake, Mr. Smith and Helmut Sonnenfeldt. There were others but I do not remember them at this time (around 16-18).
9. I do not remember the approximate times but the general time period was from 1969 - 1971.
10. The records were considered to be very helpful in some cases and in others they were of little or no value. I do not recall the specific elements involved.
11. It is suggested that the identity of FBI personnel who were connected with the installations be secured from the Washington Field Office. I do not know who made the installations. I have already set forth those handling the materials at the Seat of Government.
12. The material was disseminated by letter over Mr. J. Edgar Hoover's signature to the White House. For some time the letters were addressed to and sent to the President and Dr. Kissinger. Later they were sent only to Mr. Haldeman.* A few summaries were prepared for the Attorney General in memorandum form.
13. As I recall, instructions to discontinue came from the White House and were relayed to Mr. Hoover.
14. In the main, these instructions were issued to me. However, Mr. Hoover did have some conversations with Mr. Ehrlichman, Mr. Haldeman, and Dr. Kissinger. As I recall, the wiretap activity ceased during the first part of 1971.
15. The contents of the case included logs and letters related to the special wiretaps project. As I recall, they did include the authorizations of the Attorney General. As previously indicated, on instructions this material was furnished to Mr. Mardian before my retirement.
16. I turned over the materials of this special project on instruction to Mr. Mardian. I had no conversation about it with others. It was my decision.

- 2 -

*In May 1970 there was a meeting at the White House of the President, Mr. Haldeman and Mr. Hoover. They decided the letters would go to Mr. Haldeman.

Mr. William D. Ruckelshaus

17. As previously stated, on instruction I turned over the material, following a discussion in depth with Mr. Mardian relative to security and possible abuses of the material.
18. As previously stated, this material was turned over to Mr. Mardian in response to Presidential and Attorney General request.
19. The material was to be given maximum security. Where and by whom I do not know. I do not know whether the Attorney General was aware of the disposition.
20. No.
21. To Dr. Kissinger and later this was changed to Mr. Haldeman.
22. They were written reports, hand-carried. I do not recall the exact frequency but they were sent over whenever anything appeared on the logs which were relevant.
23. No.
24. No.
25. No, I am not aware of the source of such leaks. However, judging from the nature of this information and the precise details if correct, it would seem that some of it may have come from inside the FBI.

UNITED STATES GOVERNMENT

~~TOP SECRET~~

Memorandum

TO : MR. WALTERS

FROM : INSPECTOR O. T. JACOBSON

SUBJECT: ~~X~~ WIRETAPS ON NEWSPAPER MEN

DATE: 5/11/73

DECLASSIFIED BY 2542 P. J. J. J.

ON 6/25/81

12-17-82

JUNE

CLASS - FVT RV

DATE OF REVIEW

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

This is a summary of our progress of the on-going inquiry being conducted by the Inspection Division in response to the memorandum from Acting Director Ruckelshaus to Mr. Felt dated 5/4/73 in the captioned matter.

INTERVIEW WITH FORMER DEPARTMENT OF JUSTICE OFFICIAL

Former Assistant Attorney General Robert C. Mardian

Robert C. Mardian

Robert C. Mardian interviewed Phoenix, Arizona, advised first time he heard of White House wire taps subject of this inquiry was during last two weeks of July, 1971. Mardian at that time contacted by W. C. Sullivan, who advised in substance he had highly sensitive wiretap material which was "out of channel" at the FBI. Sullivan felt he was in trouble with Mr. Hoover and possibility existed he would be fired. W. C. Sullivan wanted Mardian to convey to President of United States that this material was in existence. Sullivan's reason for doing so was to preclude Mr. Hoover's using this information to blackmail President Nixon. This was strictly W. C. Sullivan's opinion. Mardian contacted John Mitchell, Attorney General, relayed Mr. Sullivan's request. Mr. Mitchell said he would handle. Short time later Mardian contacted by Western White House, San Clemente, California, by individual whose name he would not divulge, and instructed to fly immediately to San Clemente to see the President. Mardian obeyed instructions. Met with President of the United States and received two instructions: one pick up material from Sullivan and deliver to White House, Washington, D. C.; second to insure Sullivan's material matched with summaries on hand at White House. Mardian returned to Washington and contacted Sullivan, requested all material to which Sullivan referred. This material delivered by Assistant Director, FBI, Charles Brennan. It was delivered in old "beat up" satchel, olive drab in color, with initials of W. C. Sullivan thereon. Shortly thereafter Mardian delivered satchel to Dr. Henry Kissinger and General Alexander Haig at White House. In Kissinger's and Haig's presence, White House correspondence checked against chronological check list which listed all material sent to White House by date. White House summaries in possession of Dr. Kissinger checked, found intact. As best Mardian recalls he then gave check list to Mr. H. R. Haldeman, who as

Original impounded by
court order. See memo
in 65-16062-13

OTJ:wmj

(2)

JUN 4 1973

CONTINUED - OVER MAY 22 1973

~~TOP SECRET~~

10-LW/58

Memo for Mr. Walters
Re: Wiretaps

best Mardian recalls, checked summaries in his possession against check list. Two summaries found missing. After check was made Mardian said he took the satchel, which he believes contained summaries, the check list and telephone surveillance logs, and delivered them to the Oval Room in White House. Mardian declined to identify recipient.

It is to be noted that an FD-302 prepared in detail has been separately furnished to Mr. Ruckelshaus on this interview.

John G. Mitchell, former United States Attorney General

John G. Mitchell on 5/11/73 advised to the best of his recollection sometime during the Spring or Summer of 1969 former FBI Director Hoover met with him and advised him that the FBI at that time had some wiretap coverage on certain individuals requested by the White House. These wiretaps were reportedly instituted to uncover possible leaks emanating from the White House specifically from the National Security Council (NSC). Mitchell stated that up until this meeting with Director Hoover he had no knowledge that any such special wiretaps requested by the White House were in effect. He stated to the best of his recollection the request was made directly from the White House to either Mr. Hoover or former Assistant Director W. C. Sullivan. Mitchell stated he never saw nor approved any such requests for wiretap coverage from the FBI, stating none were submitted to him by the FBI. Mitchell stated the reason Mr. Hoover came to him at that time was because he, Hoover, was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Haig or Dr. Kissinger at the White House and they (Mitchell, Haig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection, nothing was done as a result of his discussions mentioned above. Mitchell stated that he not only never saw any written request for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries that may have been prepared setting forth the results of these wiretaps.

Mitchell stated to the best of his recollection the next time that he recalls hearing of this matter was during the period when former Assistant Director Sullivan was "on the skids" with Director Hoover and the FBI. The closest he could place this time was approximately early Fall of 1971. He vaguely recalls that Robert Mardian, the then Assistant Attorney General in charge of the Internal Security Division, U. S. Department of Justice, contacted him, Mitchell, and at this meeting told Mitchell that he had just recently learned from W. C. Sullivan

Memo for Mr. Walters
Re: Wiretaps

~~CONFIDENTIAL~~

about the existence of wiretap coverage placed at the request of the White House on certain individuals. Mardian indicated to Mitchell that Sullivan was furious over the way he was being treated by the Director and that he furnished the information concerning the wiretaps to Mardian.

During approximately this same period of time Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and in fact showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mitchell described Mr. Sullivan as being "a little nuts." Mitchell stated he recalls that after Mardian came to the Department of Justice as Assistant Attorney General in Charge of the Internal Security Division, Mr. Hoover became quite concerned over the fact that in many instances both Sullivan and Brennan were going directly to Mardian concerning cases being handled by the Domestic Intelligence Division and the Internal Security Division of the Department, which was an attempt, Mr. Hoover felt, to cut him off from access to these discussions. To the best of his recollection Mitchell recalls that Mardian informed him, Mitchell, that he subsequently turned over the wiretap information that he has received from Sullivan to Mr. John Erlichman. According to Mitchell, Mardian felt this was in the best interests of the White House. Mitchell adamantly stated, however, that he had never seen any of these papers that Mardian said he had received from Sullivan and in turn turned over to the White House. Mitchell could not recall any details concerning this exchange. For example, whether these papers were turned over to Mardian by Sullivan voluntarily or perhaps whether Mardian requested that Sullivan turn over the papers to him.

Mitchell was specifically asked if on or about October 2, 1971, Hoover contacted him concerning the fact that Mardian had in his possession sensitive material relating to the wiretap coverage, and the fact that Mitchell assured the Director that Mardian had destroyed this material. Mitchell stated this could not have been true inasmuch as Mardian had turned over the material in question to Mr. Erlichman at the White House. He stated to the best of his recollection such a conversation did not take place between him and the Director and that he received no correspondence from the Director confirming such a conversation. Mitchell suggested that if it has not already been done that the FBI consider reviewing all correspondence relating to wiretap coverage in all national security cases which he would have been aware of during his tenure as Attorney General and which would now be located presumably in the vault in his former office. Mitchell stated that while he was Attorney General and during the pertinent period in question (1969 to 1971) his secretary was [redacted], whom he believes currently resides in Orlando, Florida. Mitchell was specifically asked if he had any information or knowledge concerning the recent disclosures and obvious

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Memo for Mr. Walters
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~~CONFIDENTIAL~~

leaks recently appearing in recent periodicals specifically Time Magazine. Mitchell stated that Mark Felt of the FBI was responsible for these leaks. When asked to explain further, Mitchell stated he could not under any circumstances divulge his sources concerning this but he felt they (the sources) were totally reliable. Mitchell further stated that he feels sure that W. C. Sullivan also has been responsible for some of these leaks to the news media.

FORMER SPECIAL AGENT MICHAEL JOSEPH ROZAMUS

On 5/10/73 former Domestic Intelligence Division (DID) Supervisor Rozamus recalls being called into office by then Section Chief Charles Brennan on a Sunday, believed to be in March, 1970. At office Rozamus told by Assistant Director William C. Sullivan White House was concerned about leaks from the White House and Bureau was requested to place wiretaps on, to his recollection, about 6 members of press, three names of whom he only vaguely recalls, namely Colonel Pursley, John Sears, and Helmut Sonnenfeldt. Rozamus received impression from Sullivan request made of Director Hoover personally by Dr. Henry Kissinger. Sullivan told Rozamus this was super-sensitive matter, that no record be maintained of these wiretaps, and that Director Hoover insisted wiretaps be approved by Attorney General beforehand. Rozamus reviewed several files Sullivan had on his desk, called in his secretary [redacted] since resigned, dictated usual wiretap request forms under Sullivan's initials and gave all copies to Sullivan for approval on following Monday morning. Rozamus had to wait for Sullivan's approval that morning since he had a visitor whom Sullivan's secretary said was Dr. Henry Kissinger. Kissinger was not seen by Rozamus. Thereafter upon approval Sullivan instructed Rozamus to hand carry all copies of request in double sealed envelope marked for personal attention of Director Hoover only. Rozamus personally delivered envelope to Miss Helen Gandy. Shortly thereafter Rozamus believes Sullivan advised him Director had approved request and Sullivan instructed Rozamus to place project in operation. Rozamus believes he called Washington Field Office (WFO) supervisor [redacted] to do this and orally advised Sullivan of this but made no written record. Several weeks later in late afternoon Rozamus was instructed by Sullivan to report to Assistant to the Director DeLoach where Rozamus dictated to either [redacted] or [redacted] one and possibly two additional wiretap requests while Mr. Hoover waited after 6:00 PM to sign for approval. All copies taken from typewriter personally by DeLoach and hand carried by DeLoach to Director and Attorney General Mitchell while Rozamus instructed to wait. About 15 to 20 minutes later DeLoach returned saying the Director and Attorney General had approved. This occurred about two weeks before Rozamus ceased active duty on or about May 24, 1970, and about same time Rozamus was breaking in Supervisor Ed Grigalus to take over his work. Rozamus had made one extra copy of one request for a guide which he claims he

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Memo for Mr. Walters
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~~CONFIDENTIAL~~

showed to Grigalus in case matter came up again and which Rozamus then destroyed. Rozamus never reviewed wiretap logs or prepared log summaries which Rozamus said was Bernard Wells' responsibility. He recalls on only one occasion he asked Wells if anything good was coming from the wiretaps and Wells said "Nothing but crap." Rozamus never discussed project with Brennan or anyone else but believes Sullivan's Number One Man, Joe Sizoo, probably knew something about project in view of Sullivan's frequent absences from office. Rozamus in charge of maintaining daily upto-date count of number of wiretaps the Bureau had throughout the country but Sullivan instructed him not to include these wiretaps in that count. Rozamus recalls no wiretaps on Ellsberg nor did he ever hear that Ellsberg was monitored on any of these wiretaps.

REINTERVIEW OF FORMER SPECIAL AGENT BERNARD A. WELLS

Mr. Bernard A. Wells, former FBI employee and Supervisor in Domestic Intelligence Division, currently employed as an Attorney Advisor, Criminal Division; Department of Justice, was reinterviewed on 5/10/73 regarding information developed during this inquiry to the effect that in late Spring 1971 original summaries from wiretap logs were retrieved from the White House and inventoried in the office of the then Assistant to the Director William C. Sullivan. It is noted Wells was interviewed on 5/9/73 concerning his overall knowledge of this matter and failed to mention this at that time. When asked why he failed to bring this to the attention of the interviewing Agent, he stated he did not recall being asked and besides the thought didn't occur to him. In retrospect, he now recalls that in May or early June, 1971, SA Robert H. Haynes currently assigned FBIHQ as White House liaison, hand delivered from the White House the original summaries from wiretap material which had previously been furnished by the FBI to the White House. Although Sullivan was not present during this inventory, he, Sullivan, furnished an inventory list which was checked by SA Haynes and Wells against each original letter from the White House and the original letter was then matched to the FBI yellow copy. To the best of Wells' recollection the material checked against the master list. It was Wells' understanding from Sullivan that the reason the White House originals were returned to the FBI on this occasion was because the White House was concerned about sensitive material being kept there. After the material was inventoried and matched by SA Haynes and SA Wells it was left in Sullivan's office and he has no knowledge as to its ultimate disposition. Wells was asked again if he had ever seen FBI wiretap material in the possession of Mr. Robert C. Mardian, former Assistant Attorney General, or if he ever told an FBI official he had seen FBI wiretap material in the possession of Mr. Mardian, to which he replied he had not in both instances.

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CONTINUED - OVER

Memo for Mr. Walters
Re: Wiretaps

INTERVIEW OF SA ROBERT H. HAYNES

SA Robert H. Haynes, Supervisor, Intelligence Division, who has been handling liaison functions with White House since 1969 and up to present time, was interviewed on 5/11/73.

SA Haynes has the impression that sometime beginning in 1969 Assistant Director Sullivan received requested from White House for installation of wiretaps on newsmen and certain White House aides. SA Haynes is reasonably certain that on one occasion General Alexander Haig, White House, telephoned him (Haynes) to request installation of wiretap on an individual, identity not now recalled by SA Haynes. SA Haynes merely orally passed this request on to Sullivan and has no further information regarding it.

SA Haynes does not now recall identities of any individuals on whom coverage was maintained in connection with this program.

* SA Haynes had knowledge that former SA Bernie Wells was preparing letters to White House regarding results of this coverage and believes he (Haynes) began delivering these letters in September, 1969. In handling these letters, SA Haynes would get telephone call from Miss Gandy, Director's Office, that she had letter for the White House. SA Haynes would then go to Miss Gandy's office, note on the yellow file copy "Delivered by Liaison," and note the date and his initials. Letter was then sealed and personally delivered to the office of the addressee on the envelope. At first letters were addressed to Dr. Kissinger, sometimes a dual letter to Dr. Kissinger and the President, but ultimately the letters were addressed to H. R. Haldeman.

As a practical matter letters to the President and/or Dr. Kissinger were generally delivered to General Haig or General Haig's secretary, [redacted]

[redacted] In regard to the Haldeman letters, SA Haynes was required to deliver these personally to either Haldeman or to Haldeman's [redacted]

[redacted] As a practical matter most of these letters were delivered to [redacted]

Sometime after Sullivan was designated Assistant to the Director and moved into office in Justice Building, SA Haynes received a telephone call from [redacted] White House, to come by and pick up the letters on the sensitive coverage. Sometime subsequently he believes he was told by Sullivan that Assistant Attorney General Mardian had made arrangements for the other letters to the President or Dr. Kissinger to be returned and he was sent to pick them up. He went to General Haig who made available from his office file certain letters. General Haig then referred SA Haynes to [redacted] Assistant to John Erlichman, who made available certain letters. All of the

Memo for Mr. Walters
Re: Wiretaps

~~CONFIDENTIAL~~

letters were returned by SA Haynes to Sullivan's office.

At Sullivan's office, SA Haynes assisted former SA Bernie Wells in matching the original letters against the yellow file copies in Sullivan's office. There were also available at the time lists of names typed on plain bond paper. After checking letters against yellow file copies and the lists SA Haynes believes some letters might have been missing and does not know at this time if all letters were completely accounted for.

The last time he saw these letters to the White House was in Sullivan's office in the Justice Building, a month or so before Sullivan's retirement. SA Haynes has no information as to location of these records thereafter.

SA Haynes has no knowledge regarding correspondence with Attorney General regarding authorizations of these wiretaps but assumes such approval was obtained. He has no knowledge of any communications to the Attorney General regarding results of these wiretaps. Although he had opportunity to peruse letters to White House when he made notation on file copies, he said he deliberately avoided doing so because of sensitivity attached to them and as he merely wanted to perform his job of delivering the letters.

SA Haynes has no knowledge as to duration of wiretaps under this program or any of the circumstances under which they were discontinued.

ACTION:

This matter is receiving expeditious attention and you will be promptly advised of all pertinent developments.

Wm

F. L. W.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

Assoc. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir. _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Assistant Director
Records Management Division

DATE: 12/10/79

FROM : Legal Counsel

SUBJECT: MORTON L. HALPERIN, et al., v.
HENRY A. KISSINGER, et al.
(U.S.D.C. D.C.)
CIVIL ACTION NO. 1187-73

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/26/81 BY 2842-PW/pach

PURPOSE: To advise of action necessary to comply with
an Order of the Court in captioned litigation.

SYNOPSIS DETAILS: On August 5, 1977, U.S. District
Judge John Lewis Smith entered
a Memorandum Opinion An. Order in captioned litigation.
A copy of that Order is attached. The Court ordered
(Order, p. 5) that defendants insert in Dr. Halperin's
security file portions of the depositions of Dr. Henry
Kissinger and General Alexander Haig taken in connection
with the litigation.

By memorandum dated November 26, 1979, (copy
attached) the Criminal Division, Department of Justice,
forwarded the relevant portions of the Kissinger and Haig
depositions and requested compliance with the August 5,
1977 Order. The Department further requested notification
of compliance with the Order.

A search of the FBI Headquarters Central Records
System on November 21, 1979, indicated the following
main file identification file with plaintiff Morton Halperin
which could be considered "security files":



Enc. 1 (2)

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1 - Mr. L. Andrews)
1 - 5-710
1 - 15-400 (31)
1 - 61-5807
1 - 100-100000

Enc. 1
(6)

See us Regularly on the Payroll Savings Plan

FBI DOJ

Records Management Division
RE: MORTON H. HALPERIN, et al., v.
HENRY A. KISSINGER, et al.

In order to insure compliance with the Court's Order of August 5, 1977, Legal Counsel believes that copies of the Order and deposition transcript portions should be filed in all of the above files.

RECOMMENDATION: 1. That copies of this memorandum and attachments hereto be filed in FBIHQ files

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2. That Records Management Division advise Legal Counsel Division of the serial number assigned this memorandum in each of the above files in order that the Department of Justice may be advised of our compliance with the Court's Order.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 5 1977

MORTON H. HALPERIN, et al.,)	
)	JAMES F. DAWY, Clerk
Plaintiffs)	Civil Action
)	
)	No. 1187-73
HENRY A. KISSINGER, et al.,)	
)	
Defendants)	

MEMORANDUM OPINION AND ORDER

Following earlier proceedings in this case, the Court found that former President Richard Nixon, his White House Assistant, H. R. Maldeman, and Attorney General John Mitchell had violated the Fourth Amendment rights of plaintiffs Morton Halperin, his wife, and two children by subjecting them to a twenty-one month telephone wiretap. Halperin v. Kissinger, 424 F.Supp. 938 (1976). Now before the Court is the question of monetary and injunctive relief.

While conceding that they have suffered no palpable injury,^{1/} plaintiffs nevertheless insist on damages measured by the \$100 per day standard set forth in Section 802 of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §2520. See Cweibon v. Mitchell, 516 F.2d 594, 663-64 (D.C.Cir. 1975),

^{1/} "No plaintiff claims any loss of employment or income resulting from the electronic surveillance overhearings. ...the disclosure of the electronic surveillance....[or] the purported use of the electronic surveillance." PLAINTIFFS' RESPONSE TO FEDERAL DEFENDANTS' REQUEST FOR ADMISSIONS.

concern in early 1969 over the leaking of confidential foreign policy information." Despite the Court's rejection of defendants' good faith defense, their conduct cannot fairly be characterized as a wanton, reckless or malicious disregard of plaintiffs' rights justifying the imposition of punitive sanctions. See Knippen v. Ford Motor Company, 546 F.2d 993, 1002 (D.C. Cir. 1976).

It is evident, therefore, that the only pecuniary relief available to plaintiffs is nominal damages in the amount of One Dollar.^{4/}

Plaintiffs further ask for an order enjoining defendants from unlawfully intercepting plaintiffs' future conversations and from using or disclosing information concerning past wiretaps. Mr. Haldeman and Mr. Mitchell are in prison. Mr. Nixon is in voluntary seclusion and is prohibited by the Twenty-Second Amendment from regaining the Office of President. Consequently, the proposed relief is unnecessary.

Plaintiffs seek additional injunctive relief with regard to the disposition of the records of the surveillance. They agree that the original logs, summary letters, authorizations, and other records relating to the wiretap should be retained by the Department of Justice with future access to be determined by the Court. But they insist that

^{4/} See Chesapeake & Potomac Telephone Company v. Clay, 194 F.2d 888 (D.C. Cir. 1952). Cf. Magnett v. Pelletier, 488 F.2d 33 (1st Cir. 1973) (\$1 nominal damages); See generally, J. STEIN, DAMAGES AND RECOVERY §§ 177-181 (1972).

they should have the only copy of these records and should be relieved of their obligation, under the April 1, 1974 Protective Order, not to disclose to anyone matter contained therein. The government acquiesces in plaintiffs' request for a copy of the logs but asks that it also be permitted to keep a copy for the duration of three similar, pending cases.^{5/} This is a reasonable request and it will be granted by the Court. However, the government contention that any gag order should apply to all parties, not just defendants, is viewed in a different light. There is no compelling reason for prohibiting plaintiffs from revealing the contents of their own conversations.

Finally Dr. Halperin requests that his security file be amended to include a statement by Dr. Kissinger that the wiretap produced no information impugning either Dr. Halperin's loyalty or his discretion. General Haig had mistakenly informed the FBI that Dr. Halperin was relieved of his National Security Council position because of information gathered from the tap. Fairness requires inclusion of the Kissinger statement, and the government has agreed to add it.

Accordingly, it is by the Court this 5th day of August, 1977

ORDERED that defendants Nixon, Haldeman and Mitchell are liable, jointly and severally, to each of the plaintiffs for nominal damages in the amount of One Dollar; and it is

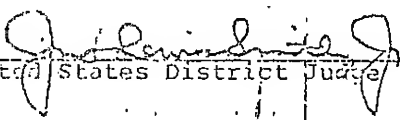
^{5/} Ellsberg v. Mitchell, C.A. 1879-72 (D.D.C.); Lake v. Ehrlichman, C.A. 74-887 (D.D.C.); Smith v. Nixon, C.A. 76-793 (D.D.C.).

further

ORDERED that the Court's April 1, 1974 Protective Order be, and the same hereby is, dissolved, and all files and documents previously covered by that Order be disposed of as follows: (A) originals of all logs, summary letters, authorizations, and records of any other character relating to plaintiffs' wiretap shall be kept in the files of the Department of Justice, with future access to be governed by order of this Court after plaintiffs have been given notice and the opportunity to be heard; (B) after the termination of any appeals, copies of records produced pursuant to the Protective Order shall be destroyed by all parties except the government, which shall be permitted to retain one copy for the duration of Civil Actions 1879-72, 77-887 and 76-798, and plaintiffs, who shall be permitted to retain a copy for their own use; and it is further

ORDERED that all defendants are permanently enjoined from making any use or disclosure of the intercepted wire communications of the plaintiffs; and it is further

ORDERED that defendants shall insert in Dr. Halperin's security file (A) that portion of General Haig's deposition in which he stated that his FBI interview form 302 incorrectly indicated that Dr. Halperin had been relieved of his National Security Council position because of information gathered from the wiretap, and (B) that portion of Dr. Kissinger's deposition in which he stated that he knew of no wiretap information impugning either Dr. Halperin's loyalty or his discretion.


United States District Judge

Memorandum

TO : John A. Mintz
Assistant Legal Director, FBI
ATTENTION: Dennis Hoffman

DATE: November 26, 1979

FROM : George W. Calhoun
Special Litigation Counsel
Criminal Division

SUBJECT: Halperin v. Kissinger

Judge Smith entered an Opinion on August 5, 1977 in which he held that Morton Halperin was entitled to have his "security file" amended to include statements by two former Federal officials given during the course of discovery in this case.

While I understand there is no "security file" as such, attached are copies of the court's opinion and certain pages from General Haig's and Dr. Kissinger's depositions which should be put in the appropriate files, even though they are presently considered closed. It would also be helpful if you could let me know as soon as you can how they are identified, for future reference.

If you have any questions, please let me know.

Attachments



Hoffman-9
7326

HALPERIN v. KISSINGER

Cite as 434 F.Supp. 1193 (1977)

1193

re or non-compliance with orders of Minnesota courts. On this basis, the matter been removed improvidently.

condly, counsel for respondents urge the court has jurisdiction in this matter because the issue now raised is part of original federal lawsuit in which they the federal government secured an injunction halting Reserve's discharge into water, and limiting its discharges into air. In modifying the original trial injunction, the United States Court of Appeals for the Eighth Circuit imposed a fashioning ambient air standard:

Reserve at a minimum must comply with APC 1 and 5. Furthermore, Reserve must use such available technology will reduce the asbestos fiber count in ambient air at Silver Bay below a legally significant level. According to record in this case, controls may be implemented which will reduce the fiber count to the level ordinarily found in the ambient air of a control city such as St. Paul.

Reserve Mining Co. v. Environmental Protection Agency, 514 F.2d 492, 538-539 (8th Cir. 1975). The standard is a federally imposed standard, based on the medical evidence and findings in the federal lawsuit. The court recognized that the standard exceeds existing state standards stating "[w]e here order Reserve to meet a fashioning standard which may exceed standards of existing air pollution regulations excepting APC 17." Id. at 535.

It is argued by respondents that in order to preserve the integrity of this ambient air standard, the federal court must assert jurisdiction over the state permit process. In

the state is seeking a type of injunctive relief, attempting to stop the state from interfering with the processes of the federal court. There is no showing, however, that any such action by this court is necessary.

The question of standards and regulations imposed by state law is separate from the federal imposed ambient air standard.

[2] The Minnesota Supreme Court has recognized this in their opinion stating that Reserve and the state are bound by the federal court decisions and specifically this air standard (*Reserve Mining Co. v. Herbst*, 256 N.W.2d 505 at 534). Whether the state agencies can incorporate the federal ambient air standard into the terms of the permit is a question of state law. In any event all parties are bound by this ambient air standard which has been fashioned and properly can be enforced through the federal courts whether incorporated in the permit or not. Therefore, there is no showing that the state court proceedings will interfere with the federal processes and hence there is no basis for the exercise of federal court jurisdiction.

IT IS ORDERED that because this case was removed improvidently and without jurisdiction, petitioners' motion to remand is GRANTED.



Morton H. HALPERIN et al., Plaintiffs,

v.

Henry A. KISSINGER et al., Defendants.

Civ. A. No. 1187-73.

United States District Court,
District of Columbia.

Aug. 5, 1977.

In an action for damages and other relief on account of illegal wiretap, the District Court, John Lewis Smith, Jr., J., after rendering judgment for plaintiffs at 424 F.Supp. 532, held that: (1) plaintiffs could recover only nominal damages; (2) limited restrictions would be imposed regarding disposition of logs, and (3) plaintiff was entitled to have his security file amended to include statement by former federal officer that wiretap had produced

no information impugning plaintiff's loyalty or discretion, where another had mistakenly informed FBI that plaintiff had been relieved of his position because of information gathered from tap.

Order accordingly.

1. Telecommunications \approx 498

Successful plaintiffs in illegal wiretap action were not entitled to damages as measured by Omnibus Crime Control and Safe Streets Act where defendants were not bound by procedural requirements of that statute. 13 U.S.C.A. § 2520.

2. Telecommunications \approx 498

Presumption of damage from violation of constitutional right did not apply in action for illegal wiretap. U.S.C.A. Const. Amend. 4.

3. Telecommunications \approx 498

Plaintiffs in illegal wiretap action were not entitled to punitive damages, despite rejection of defendants' good faith defense, where conduct was not wanton, reckless, or malicious disregard of plaintiffs' rights and there was justifiably grave concern over leaking of confidential foreign policy information.

4. Telecommunications \approx 498

Successful plaintiffs in illegal wiretap action would be granted nominal damages in amount of \$1.

5. Injunction \approx 22

Successful plaintiffs in illegal wiretap action could not obtain injunction against further unlawful interception, proposed relief being unnecessary since two defendants were in prison and third in voluntary seclusion and prohibited by Twenty-Second Amendment from regaining office of President. U.S.C.A. Const. Amend. 22.

6. Federal Civil Procedure \approx 1593

After determination that government wiretaps were illegal, plaintiffs would be

1. "No plaintiff claims any loss of employment or income resulting from the electronic surveillance overheardings . . . the disclosure of the electronic surveillance. . . [or] the

granted request for copy of logs but government would be permitted to keep copy for duration of similar pending cases; but gag order would not be extended to prohibit plaintiffs from revealing contents of their own conversations.

7. War and National Emergency \approx 48

Successful plaintiff in illegal wiretap action was entitled to have his security file amended to include statement by former federal officer that wiretap had produced no information impugning plaintiff's loyalty or discretion, where another had mistakenly informed FBI that plaintiff had been relieved of his position because of information gathered from tap.

John H. F. Shattuck, American Civil Liberties Union, New York City, for plaintiffs.

D. Jeffrey Hirschberg, Dept. of Justice, Michael Boudin, Covington & Burling, Washington, D. C., for defendants.

MEMORANDUM OPINION AND ORDER

JOHN LEWIS SMITH, Jr., J.

Following earlier proceedings in this case, the Court found that former President Richard Nixon, his White House Assistant, H. R. Haldeman, and Attorney General John Mitchell had violated the Fourth Amendment rights of plaintiffs Morton Halperin, his wife, and three children by subjecting them to a twenty-one month telephone wiretap. *Halperin v. Kissinger*, D.C., 424 F.Supp. 838 (1976). Now before the Court is the question of monetary and injunctive relief.

[1] While conceding that they have suffered no palpable injury,¹ plaintiffs nevertheless insist on damages measured by the \$100 per day standard set forth in Section 802 of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. § 2520. See *Zweibon v. Mitchell*, 170 U.S.App.D.C. 1, 516 F.2d

purported use of the electronic surveillance." PLAINTIFFS' RESPONSE TO FEDERAL DEFENDANTS' REQUEST FOR ADMISSIONS.

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HALPERIN v. KISSINGER

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Cite as 434 F.Supp. 1193 (1977)

594, 663-64 (1975), cert. denied, 425 U.S. 944, 96 S.Ct. 1684, 48 L.Ed.2d 187 (1975). This contention is without merit. The Court has previously ruled that defendants were not bound by the procedural requirements of that statute, and it would be incongruous to subject them to its penalties.

[2] Plaintiffs also seek compensatory damages relying on the theory that compensable injury is presumed in damage suits for violation of constitutional rights. See *Wayne v. Vaneble*, 260 F. 64 (3d Cir. 1919); *Rasista v. Weir*, 340 F.2d 74 (3d Cir. 1965); *Hostrop v. Board of Junior College District No. 515*, 7 Cir., 523 F.2d 569, cert. denied, 425 U.S. 963, 96 S.Ct. 1748, 48 L.Ed.2d 203 (1976).² That presumption cannot be invoked here. Speaking for the Court in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, Justice Brennan limited the damages remedy to only those who "can demonstrate an injury consequent upon the violation by federal agents of [their] Fourth Amendment rights". 403 U.S. 388, 397, 91 S.Ct. 1989, 2005, 29 L.Ed.2d 619 (1971) (emphasis supplied). See *Zweibon v. Mitchell*, supra at 659. In view of the fact that there is no demonstrable injury here, plaintiffs are not entitled to an award of compensatory damages.

[3] Punitive damages are similarly inappropriate.³ As stated in the prior opinion, "[t]here was justifiably grave concern in early 1969 over the leaking of confidential foreign policy information." Despite the Court's rejection of defendants' good faith

defense, their conduct cannot fairly be characterized as a wanton, reckless or malicious disregard of plaintiffs' rights justifying the imposition of punitive sanctions. See *Knippen v. Ford Motor Company*, 546 F.2d 993, 1002 (D.C.Cir.1976).

[4] It is evident, therefore, that the only pecuniary relief available to plaintiffs is nominal damages in the amount of One Dollar.⁴

[5] Plaintiffs further ask for an order enjoining defendants from unlawfully intercepting plaintiffs' future conversations and from using or disclosing information concerning past wiretaps. Mr. Haldeman and Mr. Mitchell are in prison. Mr. Nixon is in voluntary seclusion and is prohibited by the Twenty-Second Amendment from regaining the Office of President. Consequently, the proposed relief is unnecessary.

[6] Plaintiffs seek additional injunctive relief with regard to the disposition of the records of the surveillance. They agree that the original logs, summary letters, authorizations, and other records relating to the wiretap should be retained by the Department of Justice with future access to be determined by the Court. But they insist that they should have the only copy of these records and should be relieved of their obligation, under the April 1, 1974 Protective Order, not to disclose to anyone matter contained therein. The government acquiesces in plaintiffs' request for a copy of the logs but asks that it also be permitted to keep a copy for the duration of three

2. See also *Ashby v. White*, 32 Eng.Rep. 710, 2 Ld.Rym. 933 (1803); *Nixon v. Herndon*, 273 U.S. 536, 47 S.Ct. 446, 71 L.Ed. 759 (1927); *Nixon v. Condon* 356 U.S. 73, 82 S.Ct. 484, 76 L.Ed. 384 (1932); *Phipps v. Carey*, 545 F.2d 30 (7th Cir. 1976), cert. granted, 430 U.S. 964, 97 S.Ct. 1642, 52 L.Ed.2d 355 (1977).

3. The availability of punitive damages in *Bivens* actions is unsettled in this Circuit. Compare *Hurugh v. Latin*, 15 U.S.App.D.C. 289, 435 F.2d 1065, 1072 (1970), cert. denied, 415 U.S. 948, 94 S.Ct. 1470, 79 L.Ed.2d 364 (1974) with *Zweibon v. Mitchell*, 516 F.2d 594, 559, cert. denied, 425 U.S. 944, 96 S.Ct. 1684, 48

L.Ed.2d 187 (1975). See *Payne v. District of Columbia*, 559 F.2d 809 (D.C.Cir. 1977) (Tamm, J., Concurring). See also *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1989, 29 L.Ed.2d 619 (1973); *Bell v. Howd*, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939 (1945).

4. See *Chesapeake & Potomac Telephone Company v. Clay*, 90 U.S.App.D.C. 206, 194 F.2d 668 (1952). Cf. *Magnett v. Pellerin*, 488 F.2d 33 (1st Cir. 1973) (\$1 nominal damages); See generally, J. Stein, *Damages and Recovery* §§ 177-181 (1972).

similar, pending cases.⁵ This is a reasonable request and it will be granted by the Court. However, the government contention that any gag order should apply to all parties, not just defendants, is viewed in a different light. There is no compelling reason for prohibiting plaintiffs from revealing the contents of their own conversations.

[7] Finally Dr. Halperin requests that his security file be amended to include a statement by Dr. Kissinger that the wiretap produced no information impugning either Dr. Halperin's loyalty or his discretion. General Haig had mistakenly informed the FBI that Dr. Halperin was relieved of his National Security Council position because of information gathered from the tap. Fairness requires inclusion of the Kissinger statement, and the government has agreed to add it.

Accordingly, it is by the Court this 5th day of August, 1977

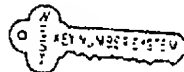
ORDERED that defendants Nixon, Haldeman, and Mitchell are liable, jointly and severally, to each of the plaintiffs for nominal damages in the amount of One Dollar and it is further

ORDERED that the Court's April 1, 1974 Protective Order be, and the same hereby is, dissolved, and all files and documents previously covered by that Order be disposed of as follows: (A) originals of all logs, summary letters, authorizations, and records of any other character relating to plaintiffs' wiretap shall be kept in the files of the Department of Justice, with future access to be governed by order of this Court after plaintiffs have been given notice and the opportunity to be heard; (B) after the termination of any appeals, copies of records produced pursuant to the Protective Order shall be destroyed by all parties except the government, which shall be permitted to retain one copy for the duration of Civil Actions 1979-72, 77-887 and 78-798, and plaintiffs, who shall be permitted to retain a copy for their own use; and it is further

5. *Eisberg v. Mitchell*, C.A. 1979-72 (D.D.C.); *Lake v. Ehrlichman*, C.A. 74-887 (D.D.C.); *Smith v. Nixon*, C.A. 70-798 (D.D.C.).

ORDERED that all defendants are permanently enjoined from making any use or disclosure of the intercepted wire communications of the plaintiffs; and it is further

ORDERED that defendants shall insert in Dr. Halperin's security file (A) that portion of General Haig's deposition in which he stated that his FBI interview form 1002 incorrectly indicated that Dr. Halperin had been relieved of his National Security Council position because of information gathered from the wiretap, and (B) that portion of Dr. Kissinger's deposition in which he stated that he knew of no wiretap information impugning either Dr. Halperin's loyalty or his discretion.



Artie A. HAMBERLIN and Shirley Ham-
berlin, husband and wife, Plaintiffs.

v.

VIP INSURANCE TRUST, Galbraith &
Green, Inc. of Arizona, an Arizona Cor-
poration, C. Bruce Chambers, Wayne D.
Crismon and Stephen C. Dana, Defend-
ants.

Civ. No. 77-469 Phx. WPC.

United States District Court,
D. Arizona.

Aug. 5, 1977.

Beneficiaries of group health and acci-
dent policy brought action alleging viola-
tions of Employee Retirement Income Se-
curity Act of 1974, and defendants moved
to dismiss. The District Court, Copple, J.,
held that employee benefit plan did not
qualify as an Employee Retirement Income
Security Act plan, and thus federal court

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1 aware that he saw a few manuscripts. I don't know how many.
2 Frequently, I never reported them to anyone. This is without
3 significance and many times the Bureau thought they were more
4 significant than I did. I would pass that on to Henry Kissinger
5 orally."

6 Can you recall any instances in which you passed
7 information from the Halperin logs immediately orally to
8 Kissinger?

9 A I certainly passed on the Ellsberg. I don't recall
10 that.

11 Q Can you recall any other such instances?

12 A Not offhand, I cannot, Mr. Slotnick, no.

13 Q Is it your feeling that you did not do that?

14 A My recollection of this is awfully fuzzy. I don't
15 have, but I just do not have any specific recollection.

16 Q One point earlier this morning you mentioned that
17 Mr. Halperin's access to sensitive information had been cut
18 off.

19 A Yes, I am glad you asked this to let me set the
20 record straight because I read some of Mr. Halperin's reports
21 on it.

22 I was asked about this in 1974 when I was at
23 the White House by the FBI whether or not I had
24 taken any action to prevent Mr. Halperin from passing on

1 And I said in one case it was clearcut, yes. The man was
2 separated. And I said in the second case I believed the man's
3 access was reduced in a way that contributed to problems
4 which were linked with his departure from the staff.

5 That is very different than I read it in the report
6 subsequently, and I want you to know that.

7 Q You have the access to the 302 report?

8 A I do not know what that is.

9 MR. CHRISTENBURY: The FBI interview.

10 THE WITNESS: I saw it and I saw the language it
11 used in the report. I hope you understand how FBI interviews
12 are conducted. I am sure you do.

13 BY MR. SPOCCOBBE: (Resuming)

14 Q If you feel it's relevant, would you say how the
15 was conducted?

16 A In my office in the midst of the ⁴²fall of 1961
17 to pick up the shambles of the government in May 1961, when
18 fellows came in and said, "We want to ask you about this."
19 And so I said fine. And he used a verb or an adjective which
20 was far more sharper than I would have used as an opening
21 of the discussion, or that I have ever used subsequently
22 before.

23 What I am saying is, and Dr. Padgori...

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1 Kissinger started to exclude him from information and from
2 participation in forums which, given this man's own perception
3 of his talent and my perception of that talent, could have been
4 very frustrating, and I believe that among other things
5 contributed to his decision to leave.

6 Q Do you know whether that curtailment took place?

7 A He can say otherwise but that's my firmly held
8 belief.

9 Q Do you know of your own knowledge whether that curta
10 ment took place before or after or roughly simultaneous with
11 the installation of the tap?

12 A Golly, I cannot be precise there. The taps may have
13 contributed, bureaucracies may have contributed, the security
14 file and the controversy associated with it, the concerns of
15 the Director and others in the Defense Department, which I
16 know Dr. Halperin, as to the several things here today, was
17 very conscious of.

18 Q The timing of the curtailment --

19 A What you are asking me to say was was there anything
20 Dr. Kissinger read in this wiretap? You will have to ask him.
21 I cannot say.

22 Q You do not know either precisely when it took place
23 or precisely what the reasons for it were?

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A No. When did Dr. Halperin leave the staff?

Q Roughly September of 1974.

A I cannot say. I am just not the man who made the decision. I was not the decision-maker.

(Discussion off the record.)

MR. SLOCOMBE: I have no further questions.

EXAMINATION BY COUNSEL FOR WILLIAM C. SULLIVAN

BY MR. CASEY:

Q General Haig, you said that the affair in the National Security Council among the staff was in dreadful condition.

A Yes.

Q Did you tell Mr. Sullivan about this dreadful condition?

A Yes, and he was very aware of it himself.

Q You emphasized it in any event.

A You bet I did.

Q Did you tell him that these things were very serious to our national security?

A I told him that the President viewed it that way, that Dr. Kissinger viewed it that way, yes.

Q Did you have personal views on that?

A My personal views were similar. I am not a politician.

Q Did you tell him that it was endangering our national

U.S. GOVERNMENT PRINTING OFFICE: 1974-26-003

doesn't mean I didn't read it at the time. Nor does it mean that I did. I just have no recollection.

Q Did you form a conclusion as to whether the information that was being obtained from the tap was compatible and consistent with its original purpose?

A I thought it was on the borderline.

Q In a press conference which you gave on May 12, 1973, which will be Plaintiff's Exhibit V ---

A May I see it?

(The document referred to was marked for identification as Plaintiff's Exhibit V)

Q Sure. At the bottom of the second page, which is page 7 of the transcript--"I would like to add, in fairness to the individual concerned, that I never received any information that cast doubt on his loyalty and discretion, and that the individual concerned left my staff for reasons that were wholly unconnected with any security investigations that may have been conducted. That is all I will say on that subject."

I take it that is still your view?

A I volunteered this information in order to be helpful to a former associate, and it is still my view.

cert. denied, 425 U.S. 944 (1976). This contention is without merit. The Court has previously ruled that defendants were not bound by the procedural requirements of that statute, and it would be incongruous to subject them to its penalties.

Plaintiffs also seek compensatory damages relying on the theory that compensable injury is presumed in damage suits for violation of constitutional rights. See Wayne v. Venable, 260 F. 64 (8th Cir. 1919); Basista v. Weir, 340 F.2d 74 (3d Cir. 1965); Hostrop v. Board of Junior College District No. 515, 523 F.2d 569, cert. denied, 425 U.S. 963 (1976).^{2/} That presumption cannot be invoked here.

Speaking for the Court in Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, Justice Brennan limited the damages remedy to only those who "can demonstrate an injury consequent upon the violation of [their] Fourth Amendment rights". 403 U.S. 388, 397 (1971) (emphasis supplied). See Zweibon v. Mitchell, supra at 659. In view of the fact that there is no demonstrable injury here, plaintiffs are not entitled to an award of compensatory damages.

Punitive damages are similarly inappropriate.^{3/} As stated in the prior opinion, "[t]here was justifiably grave

^{2/} See also Ashby v. White, 92 Eng. Rep. 710, 2 Ld. Raym. 938 (1703); Nixon v. Herndon, 273 U.S. 536 (1927); Nixon v. Condon, 286 U.S. 73 (1932); Piphus v. Carey, 545 F.2d 30 (7th Cir. 1976), cert. granted, 97 S.Ct. 1642 (1977).

^{3/} The availability of punitive damages in Bivens actions is unsettled in this Circuit. Compare Hartigh v. Latin, 485 F.2d 1068, 1072 (D.C. Cir. 1973), cert. denied, 415 U.S. 948 (1974) with Zweibon v. Mitchell, 516 F.2d 594, 659, cert. denied, 425 U.S. 944 (1976). See Payne v. District of Columbia, No. 74-1861 (D.C. Cir. June 7, 1977) (Tamm, J. Concurring). See also Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971); Ball v. Hood, 327 U.S. 675 (1946).

UNITED STATES

INMENT

~~TOP SECRET~~

Memorandum

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Buise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

TO : Mr. W. Mark Felt

DATE: 5/12/73

FROM : E. S. Miller *EM*

SPECOV

SUBJECT: SENSITIVE COVERAGE PLACED AT THE
REQUEST OF THE WHITE HOUSE

Original impounded by
court order. See memo
in 63-16062-13 *pm*

Last evening Mr. Walters advised that the Acting
Director had requested memoranda concerning each of the five
matters listed on the attached page.

Attached hereto are memoranda on items 1, 2, 4, and
5. With respect to item 3, at approximately 3 p.m., 5/12/73,
Section Chief T. J. Smith brought to the Intelligence Division
the material necessary to prepare a memorandum. This material
is being reviewed and a memorandum will be submitted as soon
as the review is completed.

ACTION:

The foregoing information and the attachments are
submitted to comply with the Acting Director's request.

Enclosures

WRW:bjr *bjr*
(7)

- 1 - Mr. Eardley
- 1 - Mr. Felt
- 1 - Mr. E. S. Miller
- 1 - Mr. Walters
- 1 - Mr. Wannall
- 1 - Mr. T. J. Smith

DECLASSIFIED BY *2842 PM/MA/MSK*
ON *6/26/81*

12-17-82

REC/pm

65-75075-14X

JUL 23 1973

~~TOP SECRET~~

JUL 23 1973

See Serial 424 memo dated 5/12/73

1. A summary of all we know in the form of a chronological narrative as to when the special project started and how and why, stressing the fact that it was in conformity with established procedures for national security wire taps.
2. We need to cover clearly why we did not previously make any search to recover the records or determine their whereabouts.
3. We need to review, if we can obtain them, all of the summaries now at The White House to determine significance of items therein.
4. We need to fully document our procedures for establishing national security wire taps including all of the mechanics for authorization and filing, monitoring, logs, summaries, etc.
5. Mr. Ruckelshaus requested that research papers be prepared for him on our general policies and history of national security wire taps; on the rationale for the national security justifications for instant project; and any specific justification known to us why the particular individuals involved were targeted.

OPTIONAL
JULY 19
CFA 65.

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UNITED STATES GOVERNMENT

Memorandum

~~CONFIDENTIAL~~

TO : MR. WALTERS

FROM : INSPECTOR O. T. JACOBSON

SUBJECT: SENSITIVE COVERAGE PLACED AT REQUEST
OF THE WHITE HOUSE

DATE: May 12, 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

JUNE

Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller, E.S. ☐
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☒
Tele. Room ☐
Mr. Baise ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conny ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Hogan ☐

Original impounded by
court order. See memo
in 63-16062-13 lam

There follows a summary of findings in our current inquiry
regarding this matter conducted pursuant to memorandum from
Acting Director Ruckelshaus to Mr. Felt dated 5/4/73 captioned
"Wiretaps on Newspapermen."

NARRATIVE:

Winston Lloyd

James W. Mc Lane Class. by 9788
James Mc Lane
James W. Mc Lane
DECLASS. ON 4-24-82
GADR

From approximately Spring, 1969, to early Summer, 1971, the FBI
at the request of the White House, provided highly sensitive wiretap coverage
in the interests of national security. (The exact times of the coverage will
be provided by the Intelligence Division separately in their review of the
recovered material.) The White House requests were based upon an extreme
concern over "leaks" arising out of the Strategic Arms Limitation Talks (SALT),
especially from the National Security Council (NSC) to the news media. The
original requests were from either Dr. Henry Kissinger or General Alexander
Haig (then Colonel Haig) for wiretap coverage on knowledgeable NSC personnel
and certain newsmen who had particular news interest in the SALT talks. The
specific requests for this coverage were made to either former Director
J. Edgar Hoover or former Assistant to the Director William C. Sullivan
(and on one occasion by General Haig to SA Robert Haynes, FBI, White
House liaison). Written authorization from the Attorney General of the
United States was secured on each wiretap.

Upon authorization Mr. Sullivan or representatives of the then
Domestic Intelligence Division, namely Special Agents Michael Joseph
Rozamus, Bernard A. Wells, Jr., or former Number One Man Joseph A.
Sizoo, contacted principally Washington Field Office (WFO) Supervisor

[redacted] who would initiate the actual installations. When he
received instructions from Bureau Headquarters, [redacted] would contact
Special Agent Ernest Belter, who headed the WFO Monitoring Station. [redacted]
would furnish names, addresses and telephone numbers. Belter in turn would
furnish this information to Special Agent [redacted] who had liaison with
the telephone company which would thereafter result in the physical completion
of the wiretap operation.

Enclosures

1 - Messrs. Eardley, Felt, Miller, Walters, [redacted]
OTJ:wml

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CONTINUED - OVER

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~~CONFIDENTIAL~~
Memo for Mr. Walters

Re: Sensitive Coverage Placed at Request of White House

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Bureau instructions to Supervisor [] WFO, were to the effect that this was a highly sensitive project and that only one copy of the monitoring log was to be prepared, uninitialed and hand carried to the Domestic Intelligence Division from WFO. There is no information concerning this special project anywhere in the files of WFO. The logs were picked up each morning and delivered to Supervisor [] who would cause them to be hand delivered by a Special Agent to Mr. Sullivan's office.

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Approximately a month after this project began the review and analysis of the logs were assigned exclusively to SA Bernard A. Wells, Jr. After review and analysis, he would dictate a summary in the form of a letter to the President of the United States and to Dr. Kissinger. Later, in approximately May, 1970, the letters containing the summaries were addressed to H. R. Haldeman. These letters when completed for signature, were hand carried to the Director's office and given to Miss Helen Gandy for the Director's approval. After approval by the Director SA Haynes would mark the yellow copy (Bureau file copy) 'Delivered by Liaison' and noted the date and his initials. The letters were then sealed and personally delivered by SA Haynes to the Office of the addressee at the White House.

For some months at the beginning of the project the yellow file copies were maintained in the Director's office and filed by [] She is unable to recall specifically the date, but an instruction was received that all of the yellow file copies were to be taken to Assistant Director Sullivan's office for safekeeping.

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During the latter part of July, 1971, Robert C. Mardian, former Assistant Attorney General, was advised by W. C. Sullivan for the first time that the FBI had highly sensitive wiretap material which was "out of channel" at the FBI. (The wiretap project had been completed and discontinued prior to June 24, 1971, the date on which Mr. Hoover appeared before the Senate Appropriations Committee.) Sullivan told Mardian he was in trouble with Mr. Hoover and the possibility existed he would be fired. Sullivan wanted Mardian to convey to the President of the United States that this material was in existence. Sullivan's reason for doing this was to preclude Mr. Hoover's using the information to blackmail President Nixon, according to Mardian. Mardian contacted John Mitchell and relayed Mr. Sullivan's request. Mr. Mitchell said he would handle. Short time later Mardian contacted by Western White House, San Clemente, California, by individual whose name he would not divulge, and instructed to fly immediately to San Clemente to see the President. Mardian obeyed instructions. Met with President of the United States and received two instructions: one pick up material from Sullivan and deliver to White House, Washington, D. C.; second to insure Sullivan's material matched with summaries on hand at White House. Mardian returned to Washington and

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Memo for Mr. Walter
Re: Sensitive Coverage Placed at Request of White House

~~CONFIDENTIAL~~

~~SECRET~~

contacted Sullivan, requested all material to which Sullivan referred. This material delivered by Assistant Director, FBI, Charles Brennan. It was delivered in old "beat up" satchel, olive drab in color, with initials of W. C. Sullivan thereon. Shortly thereafter Mardian delivered satchel to Dr. Henry Kissinger and General Alexander Haig at White House. In Kissinger's and Haig's presence, White House correspondence checked against chronological check list which listed all material sent to White House by date. White House summaries in possession of Dr. Kissinger checked, found intact. As best Mardian recalls he then gave check list to Mr. H. R. Haldeman, who as best Mardian recalls, checked summaries in his possession against check list. Two summaries found missing. After check was made Mardian said he took the satchel, which he believes contained summaries, the check list and telephone surveillance logs, and delivered them to the Oval Room in White House. Mardian declined to identify recipient.

It should be noted here that on or about September 30, 1971, Mr. Hoover became aware that the sensitive material was no longer in the possession of the FBI. After having determined through interview of then Assistant Director Charles D. Brennan that he had turned the material over to Mardian Mr. Hoover telephoned Attorney General Mitchell on 10/2/71, at which time Mitchell informed the Director that sensitive files had been destroyed. Mitchell also told the Director that Mardian had the Director's approval for this destruction. Hoover quoted on an official Bureau document, "This is a lie." No further search for the sensitive files was thereafter conducted from 1971 since Mr. Hoover had been assured by the Attorney General they were destroyed.

As a result of the on-going inquiry ordered by Mr. Ruckelshaus it was determined that the sensitive material had not, in fact, been destroyed but had been delivered by Mr. Mardian to the White House as described above. It remained in the possession of Mr. John Ehrlichman April 30, 1973, when the material became part of the "Presidential Papers" where the material remained until 5/12/73, when it was turned over to Acting Director Ruckelshaus and Section Chief Thomas Smith.

There follows a summary of each pertinent witness involved in this inquiry. The summary contains the vital points of which each person can testify and is documented by an attachment behind this summary which is appropriately tabbed and the tab number set forth along with each interviewee.

ADMINISTRATIVE HANDLING AND FILING

[redacted] Office of the Acting Director

[redacted] advised sometime during 1969 Sullivan telephonically contacted Hoover, advising of possible leaks at White House, and White House

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requested FBI place wiretaps. Hoover advised Sullivan that whatever wiretaps were placed would be done only with prior written authorization by the Attorney General. [] filed yellow file copy of wiretap authorizations in the "Official Confidential Files" maintained in Director's office. She also filed yellow file copy of summaries in same place. While W. C. Sullivan still Assistant Director of DID, decision was made by Mr. Hoover that all correspondence regarding "special wiretaps" which were maintained in the Director's office be transferred to Sullivan's custody at DID. [] recalls specifically Mr. Hoover stating, in her presence, many times that as long as he was the Director he would never personally authorize wiretap coverage on anyone without prior written Attorney General approval. (Interview Report Form on [] see tab 1.)

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Miss Helen W. Gandy, Administrative Assistant to Former Director Hoover

Sometime during 1969 Sullivan advised Hoover of possible leaks within the National Security Council and that the White House requested the FBI place wiretaps on certain individuals. She believes requests originated with Colonel Haig. She remembers that Henry Brandon and William Safire were subjects of this coverage. Miss Gandy recalls Mr. Hoover advising Sullivan taps would be placed only after written authorization from Attorney General. She recalls summaries were hand carried to her from DID for Director's approval. After Director's approval, she removed yellow file copy and delivered original to Special Agent courier for delivery to White House. Yellow copy given to Mrs. Metcalf for filing. Recalls that while Mr. Sullivan still Assistant Director of DID Mr. Hoover instructed all correspondence relating to this special be transferred to Sullivan's custody. (Interview Report Form on Miss Helen W. Gandy, see tab 2.)

[] Office of the Acting Director

In the absence of [] she handled some of [] work and recalls filing several yellow copies of summaries relating to wiretaps in the "Official Confidential Files." She only recalls name of one individual mentioned in these wiretaps and that was the name of Safire. (Interview Report Form on [] see tab 3.)

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PREPARATION OF AUTHORIZATION LETTERS AND WIRETAP INSTALLATIONS

Former SA Michael Joseph Rozamus

Recalls being called into office by then Section Chief Brennan on a Sunday believed in March, 1970. Told by Sullivan White House was concerned about leaks and Bureau was requested to place wiretaps on, to his recollection,

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about 6 individuals, three names of whom he only vaguely recalls, namely Colonel Pursley, John Sears, and Helmut Sonnenfeldt. Sullivan told Rozamus this was a super-sensitive matter and no record to be maintained on these wiretaps and that Director Hoover insisted wiretaps be approved by Attorney General beforehand. Rozamus called in his secretary, dictated usual wiretap request forms over Sullivan's initials, and gave all copies to Sullivan for approval on following Monday morning. After Sullivan's approval, he instructed Rozamus to hand carry all copies of authorization requests in double sealed envelope marked for personal attention of Director Hoover. Rozamus personally delivered to Miss Gandy. Shortly thereafter Sullivan instructed Rozamus to place project into operation since approval received. Rozamus believes he called WFO Supervisor [] to do this and orally confirmed to Sullivan that he had done so. Rozamus later dictated additional wiretap requests to either [] or []. Rozamus never reviewed logs or prepared log summaries. This was responsibility of SA Bernard Wells. Rozamus was in charge of maintaining daily up-to-date count of number of national security wiretaps FBI had throughout country, but Sullivan instructed him not to include these special wiretaps in that count. (Interview Report Form on SA Rozamus, see tab 4.)

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Former SA Bernard A. Wells, Jr.

Currently employed as an Attorney Advisor, Criminal Division, Department of Justice. Advised that in the Summer of 1969 Sullivan apprised him of wiretap operation concerning the White House and instructed him to review material relating to project which was initially maintained in Director's office. Wells reviewed logs given to him by Mr. Sullivan and then dictated to []. After [] left FBI he dictated all to []. He dictated directly from logs with the resulting summary letter going only to the President of the United States and later to Mr. Haldeman, White House staff. Summary letters were comprised of an original and one yellow copy. He was later instructed by Mr. Sullivan to prepare summary letters sent to the Attorney General, Mr. Mitchell. When yellow file copies were returned from Director's Office to Mr. Sullivan's custody, he left logs for filing with [] after dictation, and she filed them. Wells also prepared letters requesting wiretap authorization from Attorney General specifically recalling such letters on William Safire, Colonel Robert Pursley and Helmut Sonnenfeldt. He advised the following individuals were people on whom wiretaps were placed in addition to the above: Henry Brandon, Morton Halperin, Tony Lake, Daniel Davidson, Winston Lord, Marvin Kalb, William Beecher, Hedrick Smith, Ambassador William Sullivan, and Richard Moose.

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Wells said he could not now recall any specific conversations. He said he could generalize to the extent that in all wiretaps both the individual involved and his wife talked extremely loosely about the projects they were concerned

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with at the White House to both their friends and in some instances to members of the news media. He felt the tap was useful because it indicated how loosely and carelessly information of a highly critical nature was bandied about. Wells said he specifically recalled one instance in which the name Ellsberg appeared in the logs. He could not recall which log was involved; however, his best recollection was Morton Halperin. In this instance Halperin spoke to some unknown party of attending a party either with or for Ellsberg. Ellsberg was not a party to the conversation. He said in fact that in early June of 1971 as best he could recall on Mr. Sullivan's instructions he reviewed all the logs and determined Ellsberg was not a party to any telephone conversation. He neither made a call nor received one.

Wells recalled that the last time he saw any of the material involving this wiretap operation was approximately a month before he retired from Bureau service. He retired July 30, 1971. He said that Mr. Sullivan instructed him to discontinue the program. Wells advised that any correspondence he dictated was always over Mr. Sullivan's initials. He received this instruction from Mr. Sullivan.

Mr. Wells was specifically asked if he ever saw any material pertaining to this sensitive program, any digest of material, or any correspondence whatever relating to this material in Mr. Mardian's hands at any time. He replied emphatically, "No." This question was repeated three times. The answer in each instance was "No." He was asked if sometime in September or October, 1971, he had any reason to feel apprehensive over the fact that written Bureau communications concerning this program had found their way outside the FBI. He said "No." He said the only time he knew or was informed in any way that someone outside the Bureau may be in possession of this material was a telephone call he received from Mr. Edward Miller, Assistant Director, DID, about a week and a half after Mr. Sullivan retired. In this conversation, which was telephonic and when Mr. Wells was no longer an FBI employee, Mr. Miller requested him to call Mr. Mardian to ask him, Mardian, if he had any material relating to this special project. Mr. Miller told Mr. Wells that he had information to the effect that Mr. Mardian may have some of this information. Mr. Miller also supplied the telephone number in San Clemente, California, where Mr. Mardian could be reached.

Mr. Wells advised he reached Mr. Mardian almost immediately, relayed the message, and Mr. Mardian advised he would have to contact the Attorney General and the President before he could answer. Wells said he received a phone call a short time later and he was advised that Mr. Mitchell had told Mr. Mardian not to answer this question. Mardian asked Wells to so advise Mr. Miller and that Mr. Mardian would call Mr. Miller directly at a later time. Mr. Wells said he complied with Mardian's request and that's the last he heard of

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the incident. Wells was emphatic that he never saw any of the material after he dictated the last summary letter. He never saw it again either in the Bureau or since he left the Bureau.

Upon reinterview 5/10/73 Wells admitted that in May or early June, 1971, SA Robert Haynes, White House liaison, hand delivered from White House original summaries from wiretap material. Wells obtained inventory list from Sullivan which was checked by Haynes and Wells against each original letter from the White House and matched against FBI yellow file copy. To best of recollection the material checked against the master list. Thereafter all material returned to Sullivan's office. (Interview Report Forms on SA Wells, see tabs 5, 6, 7, and 8.)

[redacted] Former Secretary, DID

About Summer of 1969, personally assigned by Mr. Sullivan to take dictation from Mr. Wells in sensitive wiretap program. Thereafter she took letters from Wells known to be from wiretaps. States first letter was three pages long. Length specifically recalled but contents not recalled. Thereafter during first several months letters were prepared about every day. Later tapered off to about one per week. Specifically recalls letter to White House comprised of one white original and one yellow file copy. After typing never saw the material again. (Interview Report Form on [redacted] see tab 9.)

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[redacted] former FBI Secretary

Advised from February or March, 1970, she began taking dictation and typing letters for SA Wells on information from logs concerning wiretaps. Each dictation included two separate letters, one directed to the President and the other to the Attorney General. She recalls filing logs in this program in Mr. Sullivan's safe-type cabinet in his office. After Mr. Sullivan moved to the Justice Building about July, 1970, she went with him and in that office continued to prepare letters for Mr. Wells. After approval from Mr. Sullivan she would personally hand carry them to Miss Helen Gandy in the Director's office. [redacted] also recalled typing two or three authorization requests to the Attorney General.

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[redacted] said that about June or July, 1971, she prepared logs for Mr. Wells at his request to carry over to the DID building. She placed them in five large Government messenger envelopes and he departed with them. In August, 1971, she returned from vacation, noticed logs not returned, inquired of Mr. Sullivan who replied, "Mr. Wells and Mr. Brennan are working on them." She never saw logs again. (Interview Report Form on [redacted] see tab 10.)

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[redacted] Secretary, FBI

When Sullivan promoted from Assistant Director, DID, to Assistant to the Director and physically transferred to main Justice Building, he brought with him wiretap logs in connection with very special project. Subsequent to the move, additional wiretap logs received in Mr. Sullivan's office from WFO Agents from which summaries were prepared in Sullivan's Justice Building Office by Wells, dictated to [redacted]. At a later date, under instructions of Sullivan, she reviewed some wiretap logs, marking pertinent portions for Wells' attention. In absence of [redacted] she may have typed some summary letters. [redacted] also filed documents concerning wiretap operation in Sullivan's office, filing logs in safe-type cabinet behind Sullivan's desk. (Interview Report Form on [redacted] see tab 11.)

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Joseph A. Sizoo, former Number One Man, DID

He supervised DID in absence of Sullivan and was aware of wiretap operation, although had no personal knowledge. In Sullivan's absence there were occasions when he was in communication with Supervisor [redacted], WFO, and he may have passed on instructions to install wiretaps but does not recall any details or names. It was his recollection that Sullivan instructed him to forward any logs received from WFO in a sealed envelope to Wells which he did. With regard to retention of wiretap material he believes it was held in Miss Gandy's custody during first part of operation, but later transferred to Sullivan's office, where maintained in secure safe-type cabinet. (Interview Report Form on Joseph Sizoo, see tab 12.)

Supervisor [redacted] WFO

During Spring or Summer, 1969, WFO orally requested by Bureau to institute discreet investigation of John Sears, White House employee, formerly an attorney in Mr. Nixon's law firm in New York City. [redacted] believes call came directly to him from Joseph Sizoo. Investigation in matter included requests for both a physical and telephone surveillance and [redacted] was specifically told coverage was to be handled most discreetly with only one copy of the transcription log which was then to be hand carried to Assistant Director Sullivan's office. Transcription logs in the Sears matter as well as all subsequent telephone surveillance requests in this special project were picked up by [redacted] from the WFO Monitoring Station each morning, sealed, and then hand carried by selected Agents to Sullivan's office. [redacted] stated upon receipt of the oral request from Bureau Headquarters he would advise former SA Ernest H. Biter and SA [redacted] so that the installation could be made. (Interview Report Form on [redacted] see tab 13.)

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Ernest H. Belter, former SA (Retired) , WFO

Belter recalls Spring of 1969, Supervisor [] advised him WFO had received urgent request from W. C. Sullivan that White House concerned about leaks. Sullivan told [] that some technical surveillances (wiretaps) would be initiated by WFO on names to be furnished by Sullivan. Belter was advised by [] not to keep any written records. [] subsequently gave Belter telephone numbers and addresses and he in turn furnished this information to SA [] who handled telephone company liaison. Belter was advised to have prepared only one transcription of written log. Belter advised that to the best of his recollection approximately 12 to 15 such wiretap requests were handled by him. (Interview Report Form on Ernest Belter, see tab 14.)

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Supervisor [] WFO

During Summer, 1969 (in his capacity as liaison representative for WFO with telephone company) he received oral instructions from Ernest Belter that certain wiretaps would be placed on certain phones in an attempt to uncover leaks at White House. [] when he received oral instructions from Belter to institute these wiretaps would in turn orally request the telephone company representative to effect the requested wiretap. (Interview Report Form on [] see tab 15.)

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MONITORING EMPLOYEES, WFO

[] Special Clerk, WFO

Assigned to Monitoring Section, WFO, 1969-1970, and until mid-1971. Had occasion to monitor telephone surveillance maintained on Dr. Morton Halperin. [] said he recalls on one occasion he saw another employee's log wherein an entry had been made that Daniel Ellsberg had stayed with Dr. Halperin over the weekend. During this visit Ellsberg made a call out of the Halperin residence to a now unrecalled individual []. [] said the name of Daniel Ellsberg meant nothing to him at the time he observed the name on the log. (Interview Report Form on [] see tab 17.)

[] Special Clerk, WFO

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Advised he was assigned duty of monitoring telephone surveillances, WFO, and so assigned in 1969-1970. Recalls he monitored telephone surveillance on Dr. Halperin, who was employed at National Security Council. [] said that Dr. Halperin appeared to be close friend of a Daniel Ellsberg, who on occasion stayed at Halperin's house overnight. [] does not recall any

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details relating to Ellsberg's visits. (Interview Report Form on [redacted]
[redacted] see tab 16.)

[redacted], Special Clerk, WFO

Advised that sometime beginning in mid-1969 he was assigned as a relief man in connection with monitoring wiretap of Dr. Halperin. [redacted] said the only thing he can recall is the fact that Halperin was a close associate of Daniel Ellsberg and that he conversed with Ellsberg in late 1969 and early 1970. [redacted] could not recall any details concerning conversations between Halperin and Ellsberg, nor could he recall the exact dates of these conversations. (Interview Report Form on [redacted] see tab 18.)

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DELIVERY OF WIRETAP SUMMARIES TO WHITE HOUSE

SA Robert H. Haynes, Supervisor, Intelligence Division

Haynes has been handling liaison functions with White House since 1969 and up until present time. Has impression that sometime beginning in 1969 Assistant Director Sullivan received requests from White House for installation of wiretaps on newsmen and certain White House Aides. Haynes reasonably certain that on one occasion General Haig telephoned him (Haynes) to request installation of wiretap on an individual, identity not now recalled by Haynes. Haynes merely orally passed this request on to Sullivan.

Haynes had knowledge that former SA Wells was preparing letters to White House regarding results of this coverage. Haynes believes he began delivering these letters to White House in September, 1969. In doing so, Haynes would get call from Miss Gandy, Director's office. Haynes would then go to Miss Gandy's office, note on yellow file copy, "Delivered by Liaison," and note the date and his initials. Letter was then sealed and personally delivered by him to the office of the addressee on the envelope. At first letters were addressed to Dr. Kissinger, sometimes a dual letter to Dr. Kissinger and the President, but ultimately the letters were addressed to H. R. Haldeman.

Sometime after Sullivan was designated Assistant to the Director and moved into Justice Building office, Haynes received telephone call from Lawrence Higby from the White House to come by and pick up the letters on the sensitive coverage. Sometime subsequently he believes he was told by Sullivan that Assistant Attorney General Mardian had made arrangements for the other letters to the President or Dr. Kissinger to be returned and he was sent to pick them up. He went to General Haig, who made

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available from his office file certain letters. General Haig then referred SA Haynes to [redacted], Assistant to John Ehrlichman, who made available certain letters. All of the letters were then returned by Haynes to Sullivan's office. There Haynes assisted former SA Wells in matching original letters against yellow file copies in Sullivan's office. There were also available at the time lists of names typed on plain bond paper. After checking letters against yellow file copies and the lists, SA Haynes believes some letters might have been missing and does not know if all letters were completely accounted for. This was last time he saw letters. (Interview Report Form on Robert Haynes, see tab 19.)

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REMOVAL FROM FBI CUSTODY OF SENSITIVE MATERIAL

Former Assistant to the Director William C. Sullivan

We attempted to interview Sullivan 5/9/73. He requested all questions concerning this matter be directed to him in writing. This was done by letter dated May 10, 1973. Sullivan responded by letter dated 5/11/73. The essence of his response is as follows:

Sullivan would not identify who at the White House had made wiretap requests, advising that such questions should be addressed to Mr. Haldeman. He stated such requests were received both orally and by written communications. They were received either directly of Mr. J. Edgar Hoover or indirectly through Sullivan. Sullivan stated written authorization was secured from the Attorney General in each case. Sullivan stated that the records of these wiretaps, which included logs, summaries and correspondence, were maintained in his office in his personal and official custody on the orders of Mr. Hoover. Sullivan stated that all of these records on Presidential and Attorney General requests were given to Mr. Robert C. Mardian, then Assistant Attorney General of the Internal Security Division of the Department. Sullivan stated that the material was disseminated from the wiretap by letter over Mr. Hoover's signature to the White House. For sometime the letters were addressed to and sent to the President and Dr. Kissinger. Later they were sent only to Mr. Haldeman. A few summaries were prepared for the Attorney General in memorandum form. Sullivan continued that instructions to discontinue which came from the White House and received by him were relayed to Mr. Hoover. Sullivan stated that he turned over the material of this special project on instruction to Mr. Mardian. He had no conversation about it with others. It was his decision. Sullivan stated the material would be given maximum security, where and by whom he did not know. Sullivan also did not know whether the Attorney General was aware of the disposition. (Interview recorded in memorandum to Mr. William D. Ruckelshaus, Acting Director, FBI, dated May 11, 1973. Questions sent to Mr. Sullivan dated May 10, 1973, are also attached to that memorandum. See tab 20.)

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Robert C. Mardian interviewed Phoenix, Arizona, advised first time of White House wiretaps subject of this inquiry was during last two of July, 1971. Mardian at that time contacted by W. C. Sullivan, who in substance he had highly sensitive wiretap material which was "channel" at the FBI. Sullivan felt he was in trouble with Mr. Hoover if possibility existed he would be fired. W. C. Sullivan wanted Mardian to tell President of United States that this material was in existence. Mardian's reason for doing so was to preclude Mr. Hoover's using this information to blackmail President Nixon. This was strictly W. C. Sullivan's idea. Mardian contacted John Mitchell, Attorney General, relayed Mr. Sullivan's request. Mr. Mitchell said he would handle. Short time later Mardian contacted by Western White House, San Clemente, California, by a man whose name he would not divulge, and instructed to fly immediately to San Clemente to see the President. Mardian obeyed instructions. Met President of the United States and received two instructions: one pick up material from Sullivan and deliver to White House, Washington, D. C.; second check Sullivan's material matched with summaries on hand at White House. Mardian returned to Washington and contacted Sullivan, requested all material which Sullivan referred. This material delivered by Assistant Director, FBI, James Brennan. It was delivered in old "beat up" satchel, olive drab in color, initials of W. C. Sullivan thereon. Shortly thereafter Mardian delivered material to Dr. Henry Kissinger and General Alexander Haig at White House. In Kissinger's and Haig's presence, White House correspondence checked against alphabetical check list which listed all material sent to White House by date. Summaries in possession of Dr. Kissinger checked, found intact. Mardian recalls he then gave check list to Mr. H. R. Haldeman, who as Mardian recalls, checked summaries in his possession against check list. Summaries found missing. After check was made Mardian said he took the satchel, which he believes contained summaries, the check list and telephone call logs, and delivered them to the Oval Room in White House. Mardian failed to identify recipient. (Interview Report Form on Robert Mardian, 21.)

In Room 15 Apr. 4. 1900

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(We have now recovered the material from the White House including authorization letters signed with the signature of Mr. Mitchell.) Mitchell recalls that in approximately Fall of 1971 Mardian contacted him and at this meeting told Mitchell he had just recently learned from W. C. Sullivan about existence of wiretap coverage. Mardian indicated to Mitchell Sullivan was furious over the way he was being treated by the Director and for this reason he disclosed the information concerning the wiretap to Mardian. Sometime thereafter, Sullivan turned over to Mardian all correspondence relating to this wiretap coverage.

During approximately this same period, Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and, in fact, showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mitchell described Mr. Sullivan as being "a little nuts."

Concerning W. C. Sullivan, Mitchell related it was obvious he wanted the job of FBI Director since, on numerous occasions, Sullivan was in personal contact with various members of the White House staff and was always "name dropping and wheeling and dealing there." (White House) (Interview Report Form on Mr. Mitchell, see tab 22.)

SAC Charles D. Brennan, Alexandria Office, FBI

Brennan was formerly Assistant Director, Domestic Intelligence Division, located at 9th and D. Brennan recalled receiving visit in August, 1971, at his office from W. C. Sullivan, who said he had a heavily loaded brief case for Robert Mardian, containing highly sensitive material, which the Attorney General was interested in reviewing. According to Sullivan, Mardian unavailable at that moment and instructed Brennan to deliver brief case for him. Brennan, after Sullivan left, called Mardian's office, determining Mardian would be back in about 30 minutes, at which time Brennan then delivered brief case to Mardian which Mardian was expecting. Brennan claims he did not open brief case and cannot specifically recall whether or not it was even locked. (Interview Report Form on Charles Brennan, see tab 23.)

SEARCH FOR DISPLACED SENSITIVE MATERIAL IN OCTOBER, 1971

Assistant Director E. S. Miller, Intelligence Division

Miller advised that on 9/30/71 after it was realized sensitive material and documents in this matter were missing he was instructed to conduct a search

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of DID space, which was done with negative results. He was also instructed to reconstruct as many facts as possible concerning all facets of this coverage. This was done and Miller provided the results in a memorandum which is attached to the Interview Report Form which relates to Mr. Miller. On 10/1/71 Miller learned from SA Tom Smith that Mardian had had the sensitive material three weeks prior to that date according to former SA Bernard Wells. On 10/2/71 Miller contacted Wells and attempted to learn of its whereabouts. Wells was unable to assist in this matter but contacted Mardian and reportedly was told by Mardian that "This matter doesn't concern you at all. Tell Miller that I'll take care of it. Have him get in touch with me. Tell Miller not to worry, Sullivan won't get them." The Director then reportedly contacted Attorney General Mitchell who advised that Mardian had assured Mitchell that the sensitive material had been destroyed. The Attorney General also reportedly told the Director that Mardian said the Director approved Mardian's taking possession of the files. (Interview Report Form on E. S. Miller, see tab 24.)

Special Agent Thomas J. Smith, Section Chief, Intelligence Division, FBI

SA Smith had no personal or first-hand knowledge of wiretaps on newsmen or Government officials while this special was going on. However, in September, 1971, he was told by SA Wells that Wells had seen the sensitive material in the possession of Robert C. Mardian, that Wells was shocked to have seen these highly sensitive documents in Mardian's possession since they were FBI property. Wells reported to Smith that Mardian wanted him to keep the documents for him. Wells reportedly refused. (Interview Report Form on Thomas J. Smith, see tab 25.)

RECOVERY OF SENSITIVE MATERIAL

On the evening of May 10, 1973, information was received that Robert C. Mardian had turned the sensitive documents over at the White House to Mr. John Ehrlichman.

John D. Ehrlichman

Ehrlichman said that although he could not recall the exact date, he does recall Robert C. Mardian being associated with the delivery of a stack of wiretap logs and other written material which he knew to be summaries of the wiretap logs to the White House. He knows this because he recalls "sampling" the material at the time he took possession. Mr. Ehrlichman said the material to which he was referring was filed in a two-drawer, safe-type cabinet located in his outer office. Mr. Ehrlichman said that from the time he received this material it remained in the cabinet until about April 30, 1973. On that date he was considering submitting his resignation, recalled the presence of this wiretap information, and issued orders to have it removed from his office and filed with "Presidential Papers." (Interview Report Form on John Ehrlichman, see tab 26.)

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Harry R. Haldeman

Haldeman advised he recalled receiving summary letters concerning these wiretaps and that he received them routinely from FBI. Contents did not contain any startling information and he eventually delegated authority to read this material to Mr. Higby. He was asked specifically if he had at any time engaged in checking White House summary letters against FBI copies of these letters with Mr. Mardian. He said as best as he could recall the answer would be "No." Although he had no direct knowledge from the information he learned from Mr. Ehrlichman the sensitive material was still at the White House as of May 11, 1973; according to Mr. Haldeman. (Interview Report Form on Harry Haldeman, see tab 27.)

General Alexander M. Haig

General Haig advised that the records being sought were presently in impoundment at the White House as of May 11, 1973, and would be available for review by Mr. Ruckelshaus.

(The material at the White House was reviewed by Acting Director Ruckelshaus and Special Agent Thomas Smith May 12, 1973, and returned to FBI custody.)

With respect to the decision and request for installation of these wiretaps, General Haig said that he could not answer this because the action taken was the result of joint input. General Haig was in contact with the Bureau in connection with matters in which Dr. Kissinger had a direct interest. He feels requests for wiretaps were generally transmitted to former Assistant Director William C. Sullivan. General Haig was also asked if in his opinion these wiretaps were productive. He stated he feels they were invaluable and had been of considerable assistance in helping to control leaks to the press at the White House. (Interview Report Form on Alexander Haig, see tab 28.)

As a result of recovering the sensitive material from the White House today a review of all the authorized wiretaps signed by Attorney General Mitchell produces the following list of individuals on whom approved authorizations were obtained:

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Original, approved authorizations signed
by the Attorney General

Letter dated 5/12/69:	13	Daniel Ira Davidson /
	1	Morton H. Halperin
	14	Colonel Robert Pursley /
	✓	Helmut Sonnenfeldt /
Letter dated 5/20/69	16	Richard M. Moose /
	17	Richard Lee Snider /
Letter dated 5/29/69	6	Henry Brandon
Letter dated 7/23/69	4	John Patrick Sears
Letter dated 8/4/69	6	William Safire
Letter dated September, 1969	10	Marvin Kalb
Letter dated 5/4/70	1	William Beecher
" " "		General Robert Pursley /
" " "	11	Ambassador Richard F. Pedersen
" " "	12	Ambassador William H. Sullivan
Letter dated 6/4/69	10	Hedrick L. Smith /
Letter dated 5/13/70	3	William Anthony K. Lake /
Letter dated 5/13/70	7	Winston Lord /
Letter dated 10/16/70		Helmut Sonnenfeldt /
Letter dated 12/14/70	15	Jamie W. McLane

While many were on a very short time, and others were on a very long time, none were operated beyond 2/9/71, when all were discontinued and not re-instituted.

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By intra-Bureau communication dated October 6, 1971, it was indicated that former Assistant Director Sullivan had by letter 10/5/71 requested retirement. In his retirement letter request he had also requested permission for him to keep his badge. Mr. Felt recommended against this and Mr. Hoover concurred in the following language: "I concur. In view of circumstances surrounding his separation and more particular in view of his turning over to Mardian highly secret and confidential FBI files for destruction without any approval by the Bureau he is not to be on any mailing lists nor shown any consideration." (See intra-Bureau communication dated 10/6/71, tab 29.)

To document the conversation between former Special Agent Bernard Wells and Special Agent Thomas Smith regarding Wells' observance of sensitive material in Mardian's possession after Wells' retirement, the memorandum of SA Smith to Mr. E. S. Miller dated October 1, 1971, is attached. (See letter from Smith to Miller, tab 30.)

SPECIAL SQUAD

Since May 6, 1973, a special squad has been working under Acting Director Ruckelshaus in an effort to discover what happened to the sensitive wiretap material. This squad was composed of specially selected FBI Headquarters personnel due to the highly sensitive nature of the inquiry. 42 interviews were conducted all by the special squad which included travel to places such as Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City, and Stamford, Connecticut.

ACTION:

For information.

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FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~~~CONFIDENTIAL~~Date of transcription May 10, 1973

[redacted] Office of the Acting Director, FBI, was interviewed and furnished the following information to the best of her recollection:

Sometime during 1969 the then Assistant Director of the Domestic Intelligence Division (DID), William C. Sullivan, telephonically contacted former Director Hoover advising him of possible leaks at the White House and that the White House had requested that the FBI place telephonic surveillance coverage (wiretaps) on specific individuals, names not recalled. [redacted] believes the requests originated from Colonel Daig of Dr. Henry Kissinger's staff at the White House. Mr. Hoover advised Mr. Sullivan at this time that whatever wiretaps were placed against individuals of interest to the White House would be placed only with prior written authorization by the then Attorney General John Mitchell.

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[redacted] recalled that justification letters concerning these "special" wiretaps were personally carried to the Attorney General's office for approval by Miss Edna Holmes, who was then assigned to the Director's front office. When the requests for approval were signed by the Attorney General, Miss Holmes would receive a telephone call from that office to retrieve the approved authorizations.

When the original request for authorization concerning these "special" wiretaps was prepared, [redacted] would file the yellow file copy in the "Official Confidential Files" maintained in the Director's Office. This correspondence, as well as all other documents so maintained, was to be eventually made part of regular FBI files. [redacted] stated she felt certain the requests for Attorney General authorization for these wiretaps were prepared at DID. [redacted] explained that Attorney General authorization requests consisted of an original, a thin white and a yellow copy. The yellow copy was filed by [redacted] as described above and the original and thin white copy sent to the Attorney General's office for approval. The Attorney General's office would keep the thin white copy and return to the FBI the original white containing the written authorization of

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b7CInterviewed on May 10, 1973 at Washington, D. C. File # _____by Inspector N. F. Stames and ~~SECRET~~ Date dictated May 10, 1973

Special Agent G. O. Watt:bhg

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the Attorney General. [] stated that she presumed the original white was sent by Miss Holmes to the DID inasmuch as she did not see the final authorization come back from the Attorney General's office.

[] stated that it was obvious to her that these wiretaps were "special" since this was the first time in her recollection that yellow copies of letters requesting Attorney General authorization for wiretaps were kept in the Director's office. In all other national security wiretap cases the yellow copies would always be maintained in regular Bureau files, to the best of her knowledge.

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[] could not recall the identities of the individuals on whom these "special" wiretaps were placed but noted that all yellow file copies of communications concerning this matter were maintained in one folder rather than broken down into individual file folders. She stated that to the best of her recollection she also filed yellow copies of summaries containing the results of wiretaps in this same folder with the Attorney General authorization letters but could not say that each justification letter was also followed by a summary. She could not recall to whom the summary letters were forwarded, nor did she know who prepared them.

[] could not specifically recall the number of "special" wiretaps that were placed but she believed there were approximately six to eight individuals who were the subjects of these wiretaps.

[] stated that while Mr. Sullivan was still Assistant Director of DID a decision was made by Mr. Hoover that all correspondence pertaining to these "special" wiretaps which were maintained in the Director's "Official Confidential Files" be transferred to Mr. Sullivan's custody at DID. She could not recall how these records were transported to DID nor the basis for this decision to transfer them to Mr. Sullivan's custody. She assumes, however, that the "special" coverage had ceased inasmuch as she could not recall filing any additional yellow copies of Attorney General authorization letters or summaries in this matter subsequent to the material being transferred to DID.

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[] could not recall the Director having received any personal visitors or phone calls outside of the FBI concerning this "special" wiretap coverage. She stated that the whole key to this puzzle rests with Mr. William C. Sullivan.

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[redacted] stated that she at no time took dictation from Mr. Hoover or anyone else concerning this "special" wiretap coverage and merely filed yellow copies of correspondence as explained above.

[redacted] stated very emphatically that in the sixteen years that she has worked in the Director's front office she specifically recalled Mr. Hoover stating on many occasions during this period and up until his death, in her presence and in an extremely adamant fashion, that he, Mr. Hoover, as long as he was Director of the FBI would never personally authorize wiretap coverage on anyone without prior written approval of the Attorney General. [redacted] stated Mr. Hoover explained that the basis for his decision was that a system of "checks and balances" had to be maintained at all times.

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May 12, 1973

Miss Helen W. Gandy, Administrative Assistant to former Director J. E. Hoover, furnished the following information to the best of her recollection:

Sometime during 1969, former Assistant Director W. C. Sullivan advised Mr. Hoover of possible leaks within the National Security Council and that the White House requested the FBI place wiretaps on certain individuals. Miss Gandy stated she believes the requests originated with Colonel Haig at the White House. Although she could not recall how many of these wiretaps were placed, she remembers that Henry Brandon and William Safire were subjects of this coverage. Miss Gandy recalls Mr. Hoover advising Sullivan at that time that the wiretaps would be placed by the FBI only after written authorization from the Attorney General was received.

Miss Gandy recalls that summaries setting forth the results of the wiretaps were prepared, presumably by the Domestic Intelligence Division (DID), and sent to the Director's Office for approval. At that point, a supervisor from DID, name not recalled but described by Miss Gandy as being tall with dark hair, removed, in her presence, the "yellow" office copy and hand carried the original to the White House. He gave the "yellow" copy to [redacted] who would file it in the "Official Confidential Files" maintained in the Director's Office.

Miss Gandy recalled that during the time Mr. Sullivan was still Assistant Director of the DID, Mr. Hoover instructed that all correspondence relating to this "special" wiretap coverage maintained in his office be transferred to DID under Sullivan's custody. She could not recall how this transfer was effected.

Miss Gandy stated, to the best of her recollection, she had no direct part to play in this "special" wiretap coverage. She knew that [redacted] was filing "yellow" file copies pertaining to this coverage in the "Official Confidential Files," and stated both [redacted]

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Interviewed on May 10, 1973 at Washington, D. C. File # _____

Assistant Director W. E. Soyars and _____ Date dictated May 12, 1973

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and [] may have taken dictation from Director Hoover relating to this matter.

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Miss Gandy could not recall the Director having received any personal visitors or phone calls outside of the FBI concerning this special wiretap coverage. She stated that W. C. Sullivan should have all the answers concerning this matter.

Miss Gandy stated following the Director's death in May, 1972, all material kept in the "Official Confidential Files" in the Director's Office was turned over to Mr. Mark Felt's custody.

Miss Gandy related most emphatically that during the many years she acted as Mr. Hoover's Administrative Assistant she personally heard Mr. Hoover state, on numerous occasions, that as long as he was director of the FBI, no wiretaps would be placed by the FBI without prior written authorization from the Attorney General.

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FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~Date of transcription May 11, 1973

[redacted] Office of the Acting Director, FBI, was interviewed and furnished the following information to the best of her recollection:

She first became aware sometime in the Fall of 1969 or 1970 that certain sensitive coverage (wiretaps) was being carried on by the FBI relating to individuals associated with the White House. She became aware of this fact because either in late September or early October of 1969 or 1970 when [redacted] was on vacation, she handled some of [redacted] work. It was during this period of time that she recalled filing several yellow copies of summaries relating to wiretaps in the "Official Confidential Files."

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She only recalled the name of one individual mentioned in these wiretaps and that was the name of Safire. She specifically recalled that the original of the summary of the wiretaps was sent to Colonel Haig at the White House. [redacted] did not remember anyone from Domestic Intelligence Division ever bringing over to the Director's Office any correspondence relating to the wiretaps.

Interviewed on May 10, 1973 at Washington, D. C. File # _____

by SA Nick F. Stames and
SA Carry Owen Watt:mas Date dictated May 10, 1973

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Date of transcription May 12, 1973

Former Domestic Intelligence Division (DD) Supervisor Michael Joseph Rozamus, 6506 Marina Drive, Holmes Beach, Florida, recalls that he was called into the office by then Section Chief Charles Brennan on a Sunday, which he seems to recall was in March, 1970. When Rozamus arrived at the office he was told by Assistant Director William C. Sullivan that the White House was concerned about leaks from the White House and the Bureau was requested to place wiretaps on, to the best of his recollection, about six members of the news media. Rozamus could only vaguely recall the names of Colonel Pursley, John Sears and Helmut Sonnenfeldt as individuals that the FBI had placed wiretaps on their residence telephones. Rozamus received the impression from Sullivan that this request was made of Director Hoover personally by Dr. Henry Kissinger. At that time Sullivan told Rozamus that this was a super-sensitive matter and that no record was to be maintained of these wiretaps. Sullivan also told Rozamus that Mr. Hoover insisted that these wiretaps be approved by the Attorney General beforehand.

On that Sunday, Rozamus reviewed several files Sullivan had on his desk and called into the office his secretary, [redacted] since resigned, and he, Rozamus, dictated the usual wiretap request forms under Sullivan's initials. On the following Monday morning when Rozamus took the forms to Sullivan's office for approval, he was unable to see Sullivan because Sullivan had a visitor whom Sullivan's secretary said was Dr. Kissinger. Rozamus did not see Kissinger but as soon as Sullivan was free Rozamus took the wiretap request forms into Sullivan, who approved them. Sullivan then instructed Rozamus to hand carry all copies of the requests in a double sealed envelope to Miss Helen Candy. Shortly thereafter and possibly that same Monday, Rozamus believes Sullivan advised him that the Director had approved the requests and Sullivan then told him to place the project in operation. Rozamus believes he then called the Washington Field Office (WFO) and instructed Supervisor [redacted] to institute this special project. Rozamus orally advised Sullivan that operation had been instituted by WFO. Rozamus made no written record of his instructions to [redacted] and as he had been instructed by Sullivan, he did not follow up his instructions to [redacted] in a written communication to WFO.

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Interviewed on 5/10/73 at Holmes Beach, Florida

File # 100-441171

by Inspector J. E. Ziel and

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Date dictated

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Several weeks later in the late afternoon, Rozamus was instructed by Sullivan to report to Assistant to the Director DeLoach. Rozamus immediately went to DeLoach's office and was told that one, and possibly two to his recollection, additional wiretap requests had been made by the White House. DeLoach told him this and instructed him to prepare the necessary requests. DeLoach stated that Mr. Hoover was waiting in his office to sign these requests for approval. This was around 6:00 P. M. Rozamus dictated the communications to either [redacted] or [redacted]. Upon completion all copies were taken from the typewriter personally by DeLoach and hand carried by DeLoach to the Director and Attorney General Mitchell while Rozamus was instructed by DeLoach to wait until he, DeLoach, returned. About fifteen or twenty minutes later DeLoach returned stating that the Director and the Attorney General had approved the communications. As Rozamus recalls this incident occurred about two weeks before Rozamus ceased active duty on or about May 24, 1970, and at about the same time Rozamus was training Supervisor Ed Grigalus to take over his work. Rozamus had made one extra copy of one request for a guide which he claims he exhibited to Grigalus in case the matter came up again and then Rozamus destroyed this copy.

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Rozamus claimed that he never reviewed any of the wiretap logs nor did he ever prepare any log summaries which he said was the responsibility of Bernard Wells. Rozamus recalls on only one occasion he asked Wells if anything good was coming from the wiretaps and Wells said, "Nothing but crap." Rozamus never discussed this project with Brennan or anyone else but believes Sullivan's Number One Man, Joe Sizoo, probably knew something about the project in view of Sullivan's frequent absences from the office. Rozamus was in charge of maintaining the daily up-to-date count on the number of wiretaps in existence by the Bureau throughout the country but Sullivan instructed him not to include the wiretaps from this project in that overall count. Rozamus recalls no wiretaps on Daniel Ellsberg nor did he ever hear that Ellsberg was monitored on any of these wiretaps.

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FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~Date of transcription May 12, 1973

Mr. Bernard Wells was interviewed by Inspector Meincke and SA Zinn on May 9, 1973. Mr. Wells advised that he was a former supervisor with the Domestic Intelligence Division (DID) during the period 1969 to 1971. He advised he retired from FBI service on July 30, 1971. He said he is currently employed as an attorney advisor, Criminal Division, United States Department of Justice.

At the onset of the interview Mr. Wells was advised that he was being contacted regarding any direct knowledge he possessed concerning alleged wiretaps of White House officials and members of the news media which were instituted during the period 1969 through 1971.

Mr. Wells said that he was perfectly willing to discuss the wiretaps during the period of time he was employed by the FBI. He said that due to his position now with the Department of Justice he felt he could not discuss anything that he learned about White House staff employees after he left the Bureau. He was advised that for the purposes of this interview he would restrict himself to circumstances that bore a direct relationship to his FBI employment. His relationship with the Department of Justice and the White House subsequent to his leaving the FBI could be subject of another interview at another time. Mr. Wells said he was concerned that the information he was about to give might be later used outside of the Bureau and wanted assurances that this would not occur. He was specifically advised by Inspector Meincke that no such promise could be made as there was absolutely no way of forecasting future legal action. Mr. Wells said "All right, as long as I confine myself in my comments to facts obtained by me during my employment with the FBI."

In the Summer of 1969, exact date unrecalled, Mr. Sullivan, the Assistant Director of DID, apprised him of a wiretap operation concerning the White House and instructed him he was to carry out the operation. Sullivan advised him this was a sensitive project and was authorized by the Director. Mr. Wells is certain this operation had been on-going for sometime, believed to be three or four weeks, and material relating to project was initially maintained in the Director's office. Wells was absolutely

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by SA William A. Meincke and

SA E. T. Finnegan

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sure because when he started working on the project logs were already in existence. These logs had been maintained in Mr. Hoover's Office. Wells advised he gained distinct impression from Mr. Sullivan that at the inception of the program only Mr. Sullivan, Mr. Hoover and Miss Gandy had knowledge.

Though he had no firsthand knowledge, he knew, but could not now recall where he got the information, that the wiretaps were put on because of leaks in the Strategic Arms Limitations Talks (SALT). The type of information being leaked was the upper and lower limits to which the United States would agree.

The number of logs increased to the point where they needed assistance and Mr. Sullivan delegated this to Mr. Wells. Wells said he reviewed logs given to him by Mr. Sullivan and then dictated to [redacted] and later after [redacted] left the FBI, he dictated to [redacted]. He advised he dictated directly from logs; the resulting summary letter going only to the President of the United States, Mr. Nixon, and later to Mr. H. R. Haldeman of the White House staff. This letter was comprised of an original and one yellow copy. He advised that routinely he did not dictate a copy for the Attorney General. At a date unrecalled, probably in 1970, he was instructed by Mr. Sullivan who relayed information to him that Mr. Hoover wanted a summary to be sent to the Attorney General, Mr. John Mitchell. As best Wells could recall he dictated at least three of these summaries during 1970 and early 1971. He recalls that this was on letterhead memorandum. He advised that at the inception of the program when he first became involved all logs were returned to Mr. Sullivan. Later, when [redacted] took the dictation, he left the logs on her desk and she filed them. He advised that from time to time he dictated letters requesting authorization concerning this program addressed to the Attorney General, Mr. John Mitchell. He advised he could not recall the dates at all, particularly in view of the fact that the wiretaps on any one individual might be discontinued and continued again at a later date. He specifically recalled writing letters requesting authorization on the following individuals:

William Safire,
Colonel Robert Pursley, and
Helmut Sonnenfeldt.

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He advised the following individuals were people on whom the wiretaps were placed at their home residence:

Henry Brandon	Marvin Kalb
Morton Halperin	William Beecher
Tony Lake	Hedrick Smith
Daniel Davidson	Ambassador William Sullivan
Winston Lord	Richard Moose

As best he could recall, Wells advised that when he was first taken into the confidence of Assistant Director Sullivan he was advised that the wiretaps were authorized by the Attorney General and Mr. Hoover had insisted upon authorization. Later, when he became more involved, he was sure of this fact because he dictated letters requesting authorization and said that he saw them returned with Mr. Mitchell's signature. Wells could not recall when or where he saw them and did not know where they were filed. He advised the logs were filed in Mr. Sullivan's office in a two-drawer, safe-type cabinet.

Wells said with regard to the letters requesting authorization, there was only one original and one yellow copy -- no tissue copy. This again was on instructions of Mr. Hoover as relayed to him by Mr. Sullivan. With regard to all yellows, Mr. Wells said he knew they were filed outside Mr. Sullivan's office in a safe-type cabinet in the reception area when Mr. Sullivan was in Ninth and D building. When Mr. Sullivan moved to the Justice Building, the yellows were filed beneath the mail rack located just outside Mr. Sullivan's office along the left wall. Beneath this mail rack was a series of two-drawer, safe-type cabinets. One of the middle cabinets was used to store the yellows. They were in a file which Wells called "Outside Correspondence." Nothing else was in the file but the previous yellows bound together by an Acco fastener and file back. He frequently referred to these yellows when dictating new summary letters. Therefore, knows they were returned and filed as set forth above. He did not know who filed them.

Wells said he could not now recall any specific conversations which were recorded. He said he could generalize to the extent that in all wiretaps both the individual involved and his wife talked very loosely about the projects

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at the White House to both their friends and in some instances to members of the news media. He felt the tap was useful because it indicated how loosely and carelessly information of a highly critical nature was handled about. Wells said he specifically recalled one instance in which the name Ellsberg appeared in the logs. He could not recall which log was involved; however, his best recollection was Morton Halperin. In this instance Halperin spoke to some unknown party of attending a party either with or for Ellsberg. Ellsberg was not a party to the conversation. He said, in fact, that in early June of 1971 as best he could recall on Mr. Sullivan's instructions he reviewed all the logs and determined Ellsberg was not a party to any telephone conversation. He neither made a call nor received one.

Wells recalled that the last time he saw any of the material involving this wiretap operation was approximately a month before he retired from Bureau service. He retired July 30, 1971. He said that Mr. Sullivan instructed him to discontinue the program. Wells advised that any correspondence he dictated was always over Mr. Sullivan's initials, "WCS." He received this instruction from Mr. Sullivan.

Mr. Wells was specifically asked if he ever saw any material pertaining to this sensitive program, any digest of material or any correspondence whatever relating to this material in Mr. Mardian's hands at any time. He replied emphatically "No." He was asked if sometime in September or October, 1971, he had any reason to feel apprehensive over the fact that written Bureau communications concerning this program had found their way outside the FBI. He said, "No." He said the only time he knew or was informed in any way that someone outside the Bureau may be in possession of this material was a telephone call he received from Mr. Edward Miller, Assistant Director, DID, about a week and a half after Mr. Sullivan retired. In this conversation, which was telephonic, and when Mr. Wells was no longer an FBI employee, Mr. Miller requested him to call Mr. Mardian to ask him, Mr. Mardian, if he had any material relating to this special project. Mr. Miller told Mr. Wells that he had information to the effect that Mr. Mardian may have some of this information. Mr. Miller also supplied the telephone number in San Clemente, California, where Mr. Mardian could be reached. Mr. Wells advised he reached Mr. Mardian almost immediately, relayed the message, and Mr. Mardian advised he would have to contact the

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Attorney General and the President before he could answer. Wells advised he received a phone call a short time later and he was advised that Mr. Mitchell had told Mr. Mardian not to answer this question. Mardian asked Wells to so advise Mr. Miller and that Mr. Mardian would call Mr. Miller directly at a later time. Mr. Wells said he complied with Mardian's request and that is the last he heard of the incident. Wells was emphatic that he never saw any of the material after he dictated the last summary letter. He never saw it again either in the Bureau or since he left the Bureau.

Mr. Wells said he did not know the identity of any employees of the Department of Justice who were involved in this project.

Mr. Wells was asked if there was anything else he could recall concerning the special project he handled for Mr. Sullivan that the interviewing Agents should know. Mr. Wells replied, "No."

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Date of transcription

May 12, 1973

Mr. Bernard A. Wells was interviewed on 5/9/73 at 12:15 p.m. Mr. Wells said that he was a former FBI employee and supervisor in the Domestic Intelligence Division. He said he is currently employed as an Attorney Advisor for the Criminal Division, Department of Justice. Mr. Wells was reminded of the fact that he had been interviewed earlier the same day and that Inspector Meincke and SA E. T. Zinn had several points that they wanted to be sure were absolutely accurate. Mr. Wells was advised that in the previous interview he was asked specifically whether or not he had ever seen any material whatever pertaining to the wiretap program he had been handling for Assistant to the Director William C. Sullivan in Mr. Robert Mardian's hands at any time. He said absolutely not. The question was again put to Mr. Wells, phrased as follows, 'Did you ever see any material pertaining to this sensitive program, any digest of material or any correspondence whatever relating to this material in Mr. Mardian's hands at any time?' He replied emphatically, 'No.' This same question was repeated twice more and in each instance the reply again was 'No.'

5/29/73 LLS
Mr. Wells was then asked if sometime in September or October, 1971, he had any reason whatever to feel apprehensive over the fact that written Bureau communications concerning this program had found their way outside the FBI. He said 'No.'

Mr. Wells said that all he could recall was what he said in his earlier interview when he received a telephone call from Mr. Edward Miller, Assistant Director, Domestic Intelligence Division, about a week and a half after Mr. Sullivan retired. He advised the conversation was telephonic and Mr. Miller requested him to call Mr. Mardian to ask him, Mr. Mardian, if he had any material whatever relating to the special project which Mr. Wells had handled for Mr. Sullivan. Mr. Wells advised he reached Mr. Mardian almost immediately in San Clemente, California, and Mr. Mardian advised he would have to contact the President and the Attorney General before he could answer. A short time later he received another phone call from Mr. Mardian and was simply told by Mr. Mardian

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File #

Inspector W. A. Meincke and
Special Agent E. T. Zinn:bhg

Date dictated

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that the Attorney General, Mr. John Mitchell, told him not to answer the question.

Mr. Wells said that while he was handling the program and since he left the FBI there was nothing to arouse his suspicion, that anything other than the designated copies were going to the White House or the Attorney General.

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~~CONFIDENTIAL~~ ~~SECRET~~Date of transcription May 10, 1973

Mr. Bernard A. Wells was interviewed by Inspector Meincke and Special Agent Zinn on May 9, 1973. At the onset of the interview Mr. Wells was advised that he was being contacted regarding his review of very sensitive material pertaining to the national security telephone surveillance, which was in effect during the period 1969 through early Spring, 1971.

Mr. Wells advised that during the above period he was employed by the FBI in the Domestic Intelligence Division (DID) as a supervisor and did handle a very sensitive telephone surveillance for Assistant Director W. C. Sullivan. Mr. Wells said that he was told by Mr. William C. Sullivan that this telephone surveillance was being conducted with the approval of the Attorney General and Mr. J. Edgar Hoover.

He advised that in June of 1971 as best he can recall he received instructions from Assistant Director W. C. Sullivan to review all of the material that was gathered pertaining to this telephone surveillance to determine whether or not Daniel Ellsberg either received any telephone calls or made any telephone calls that were recorded during the period of the telephone surveillance.

Mr. Wells advised he specifically recalls that there were no telephone calls either made by, received by Mr. Ellsberg or calls in which Mr. Ellsberg in any way participated in the surveillance logs pertaining to this telephone surveillance. He advised he recalled that in one instance a call was made in which a person initiating a call mentioned the name of Daniel Ellsberg, and as best he could recall this was a situation where the caller was either going to a party sponsored by Mr. Ellsberg or a party in which Mr. Ellsberg would have been in attendance.

He said this review occurred sometime ago and although he remembered the incident of the party he could not be absolutely sure of the individual making the telephone call but it is his recollection that it was probably Dr. Morton Halperin.

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Inspector William A. Meincke and
SA E. T. Zinnigins

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Transcription May 12, 1973

Mr. Bernard A. Wells, former FBI employee and Supervisor in the Domestic Intelligence Division (DID), currently employed as an Attorney Advisor, Criminal Division, Department of Justice, was re-interviewed and asked if he has any knowledge that original summaries from wiretap logs were retrieved by the FBI from the White House in late Spring, 1971, and inventoried in the office of the then Assistant to the Director William C. Sullivan. He advised that he is aware of this event. When asked why he failed to bring this to the attention of Agents during a previous interview, he stated he did not recall being asked this question and besides the thought didn't occur to him.

In retrospect, he now recalls that in May or early June, 1971, SA Robert Haynes, currently assigned FBI Headquarters as White House liaison, hand delivered from the White House the original summaries from wiretap material which had previously been furnished by the FBI to the White House. Haynes brought these summaries to Mr. Sullivan's office in the Justice Building and was met there by Wells. Although Sullivan was not present he, Sullivan, furnished an inventory list which was checked by SA Haynes and Wells against the original letters from the White House and the original letters were then matched to the FBI yellow copy. To the best of Wells' recollection the material checked against the master list.

5/29/73 103 It was Wells' understanding from Sullivan that the reason the White House originals were returned to the FBI on this occasion was because the White House was concerned about sensitive material being kept there. After the material was inventoried and matched, it was left in Sullivan's office and he has no knowledge as to its ultimate disposition.

Wells was asked again if he had ever seen FBI wiretap material in the possession of Mr. Robert C. Mardian, former Assistant Attorney General, or if he ever told an FBI official he had seen wiretap material in the possession of Mr. Mardian, to which he replied he had not in both instances. Wells was asked if he has any knowledge or is in possession

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of any material concerning this matter which he has not previously furnished the FBI, to which he replied in the negative.

Mr. Wells has no knowledge concerning whether or not original summaries from the Department of Justice were inventoried or checked against FBI copies in Mr. Sullivan's possession.

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[redacted] temporary residence [redacted]

[redacted] Alexandria, Virginia, advised she was formerly employed as a Bureau secretary and resigned on February 28, 1970. For a five-year period prior to her resignation she served as the secretary to Mr. Donald E. Moore, Number Two Man in the Domestic Intelligence Division (DID).

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At the onset of this interview she was advised that the purpose of this interview was to determine if she possessed any information concerning a special project which had been supervised by William C. Sullivan, Assistant Director, FBI, and handled by Mr. Bernard Wells, a supervisor in the Domestic Intelligence Division of the Federal Bureau of Investigation.

[redacted] promptly advised that she did recall such a project and remembered that in the summer of 1969 she was approached by Mr. Sullivan and instructed to type sensitive material in connection with a Bureau wiretap operation. She said Mr. Sullivan informed her that he had selected her because of her loyalty and competence and advised that Mr. Wells would be dictating to her on this operation. She said she was impressed, during the initial contact with Mr. Sullivan, that this project should be closely guarded and there should be no discussion of it with anyone. She mentioned that in view of this impression the resulting functions she performed in connection with this project were not discussed with anyone, not even her immediate superior, Mr. Moore.

According to [redacted] she got the distinct impression that this wiretap operation was already in actual practice prior to her being selected to handle the typing for Mr. Wells.

[redacted] continued that from the inception of her typing for Mr. Wells on this project that she would type summary letters on a daily basis; however, this need for typing tapered down to only periodic letters prior to her resignation in February, 1970. She recalled that Mr. Wells would dictate from another document. She was not certain what this document was but vaguely recalled it was pink in color. She was not certain about this point. She said the letters were in narrative form and she would type them

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b7CInterviewed on May 8, 1973 at Alexandria, Virginia File # _____

SA William A. Meincke and

SA E. T. Zinn:gms

Date dictated May 8, 1973

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on blue letterhead stationery, original and one yellow, and they were addressed to the White House. She cannot recall if she would type a second summary letter pertaining to the same information. She did recall, however, that there were no abstracts prepared for these letters and as best as she can recall, there was no note of information on the yellow.

[redacted] said she did no filing in this project and does not know where the yellows or any other documents relating to this project were filed.

She was asked if she could recall any information contained in the summary letters and she said that nothing to the best of her recollection of significance was noted.

She said that this constituted extra duty for her as far as her secretarial duties were concerned and she specifically recalled that she became irritated because she could really see no value in the summary letters at all because the information certainly was not that of a stimulating nature. The program became a chore for her and that is why it is firm in her memory that there was really no information contained in the summary letter of any significance.

[redacted] was specifically asked to describe the mechanics or procedure she utilized in the preparation of these letters and what she would ultimately do with them. She recalled that after taking the dictation from Mr. Wells and typing the letters she would call Mr. Wells and he would pick up the letters and take them in to Mr. Sullivan's office. She said she is almost sure that the letters did not go through the Reading Room at Federal Bureau of Investigation Headquarters as she is certain these letters would have contained mistakes which the Reading Room would have noticed. She again stated that she did not file anything in connection with this program and did not file anything in Mr. Sullivan's Office.

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[redacted] advised that just prior to her resignation [redacted] was selected to take over her secretarial position for Mr. Moore and, likewise, was selected to continue the secretarial work in the operation in which Mr. Wells was involved. She said she did not discuss or instruct [redacted] in any way concerning this matter but did thoroughly indoctrinate her on her position as secretary to Mr. Moore.

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Just prior to the termination of this interview, [] advised that this discussion of the program made her remember that when she initially started taking dictation from Mr. Bernard Wells the first letter or perhaps the second letter, she could not remember which, was a lengthy letter to the White House, but she could not recall the contents. She said the other letters she typed were usually two or three pages.

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[] stated that as a secretary in the Domestic Intelligence Division in the front office, she had on numerous occasions typed letters of authorization to the Attorney General requesting wiretaps on certain individuals; however, she does not recall typing any letters of authorization in connection with this program.

In conclusion, [] advised that as she has previously stated, it was her impression that this program was already in operation when she started typing the summary letters and she has no information concerning the circumstances surrounding the beginning of this program.

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Date of transcription

May 9, 1973

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[redacted] Maryland, telephone number [redacted] was interviewed by Inspector William A. Meincke and Inspector's Aide E. T. Zinn.

She confirmed that she was a former Bureau employee assigned to the Domestic Intelligence Division (DID) as a secretary to Donald E. Moore, then the Number Two Man in this Division.

At the onset of the interview she was advised that she was being contacted regarding any direct knowledge she possessed concerning alleged wiretaps of White House officials and members of the news media which were instituted during the period 1969 through 1971.

She recalled that about February or March, 1970, under circumstances which she could not remember, she began taking dictation and typing letters for Mr. Bernard Wells, Supervisor, DID, on information from logs concerning wiretaps. When she first started taking this dictation she was told by Mr. Wells that this concerned a very sensitive program. She recalled that the dictation included two separate letters, one of which was directed to the President, Mr. Nixon, and the other to the Attorney General, Mr. Mitchell. She said these letters were an original and one yellow copy each and were usually of no more than one page with one, two or three short paragraphs. Occasionally she transcribed a two-page letter with only one or two paragraphs on the second page. She described the contents of these letters as beginning with a preface statement, "The following information was obtained from a reliable and/or sensitive source and may be of interest to you."

She continued that the letter would then contain a summary of what the logs contained as dictated by Supervisor Wells. She could not recall ever typing anything in these letters which in her mind contained any significant or dynamic information. [redacted] said as a matter of fact she considered this a chore that was above and beyond her normal duties. He said she wouldn't have minded it if she felt it was extremely important,

Interviewed on May 7, 1973 at [redacted] Maryland

File #

Inspector William A. Meincke and
Special Agent E. T. Zinn:bhg

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but from the contents, as she recalls them, there appeared to be nothing which stimulated her interest in any way and, therefore, she saw no use in the dictation and subsequent transcription which she was required to do. She said she never typed an abstract to go with this piece of communication and she could not recall anything on the yellow copy other than the information contained on the white copy. No additional information was typed on the yellow copy.

She advised that she took this dictation from Mr. Wells about once every week and a half. She advised sometimes it would be every week and sometimes two weeks would slip by. Toward the end of the program she said the logs themselves contained little or no positive information; therefore, the summary letters perhaps extended to three weeks.

[redacted] advised that when she initially started typing these letters for Mr. Wells one was addressed to the President of the United States; however, at some later date, exact time unrecalled, the letters would be addressed to Mr. Haldeman in the White House, and the second letter continued to be sent to Mr. Mitchell, the Attorney General.

Concerning her other functions in regard to this program, [redacted] advised that after dictating, Mr. Wells left the logs on her desk in her custody and following the transcription of her notes into final letter form, the letters, original and one yellow copy, were presented to Mr. Sullivan for his initials. The letters were then hand carried to the Director's Office.

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She said that she knew they were always hand carried because of the sensitive nature of the program. She could not now recall who carried these letters from the Domestic Intelligence Division to Mr. Hoover's Office. She said, however, that when Mr. Sullivan moved to the Justice Building on or about July, 1970, she went with Mr. Sullivan as his personal secretary. From that time on [redacted] said that after each letter was approved and initialled by Mr. Sullivan she personally hand carried the letter to Miss Helen Gandy in the Director's Office and turned it over to her.

Regarding the logs which formed the basis of the letters which were left in her possession by Mr. Wells, she would file these in separate folders by name of individual involved in wiretap in a safe-type cabinet belonging to Mr. Sullivan which was located directly behind his desk. The material was filed in the lower drawer of the two-drawer safe-type cabinet. She continued this practice after moving with Mr. Sullivan, to the Justice

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Building. [] was specifically asked whether or not the yellow copy of any of these summary letters was ever returned to her and if she filed the yellow copy either in the two-drawer safe-type cabinet in Mr. Sullivan's office, or anywhere else. [] replied emphatically that on no occasion was any yellow copy of any communication resulting from this program ever returned to her from the Director's Office. She said she specifically recalled this to mind because she thought it was quite a divergence from regular Bureau procedure. She reiterated that she never filed any yellow copies in Mr. Sullivan's two-drawer safe-type cabinet. She also said that she had access to this bottom drawer where she always filed the logs and never saw any yellow copies filed therein, precluding the possibility in her mind that anyone else could have filed this material.

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[] stated that during the period of time when she was typing summary letters dictated by Mr. Wells, she was also given other correspondence concerning this very special program on two or three occasions. She recalled these were authorization requests to the Attorney General, Mr. Mitchell, for technical surveillance and/or microphone surveillance and these were typed on blue letterhead stationery. She recalls these letters were an original, one thin white copy, and one yellow copy. She specifically recalled these pieces of communication because when they were dictated to her she did not know the correct form in which to reduce her dictation to a typed piece of correspondence and had to check to be sure she was typing them correctly. She recalled that at the bottom of the page she would have to draw a line with her typewriter for the Attorney General's signature and below that another line for the date. She feels in her own mind that she is positive this was a request of the Attorney General for a telephone surveillance. [] advised as best she can recall the words National Security Council were included in these requests; however, she cannot now reconstruct the full contents of the requests.

[] said these requests of the Attorney General were handled in precisely the same manner in which the summary letters were handled, in that they were hand carried to the Director's Office, and further that the yellow copies which bore Mr. Sullivan's initials never were returned to Mr. Sullivan's office to her knowledge.

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[] was asked whether or not she could specifically recall the names of any of the individuals mentioned in the requests for telephone surveillance to which she replied, "No, I cannot." She was then asked if she could recall any of the names of individuals mentioned in the summary

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letters. She said that in spite of the fact she had handled a great many of these summary letters, she had a poor memory for names. She advised that if she heard the name she could quite possibly recall whether or not these names were mentioned in these communications but she could not reconstruct the names on her own. The following names were given to [redacted] and she either identified them or could not identify them:

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Henry Brandon	Recognized as mentioned in summary
Dr. Morton Halperin	Recalled as mentioned in summary
Tony Lake	Recalled as mentioned in summary
Daniel Davidson	Could recall as mentioned in summary
Joseph Danielson	Could not recall
William Safire	Could not recall
Winston Lord	Recalled as mentioned in summary
Colonel Robert Pursley	Could recall as mentioned in summary
Marvin Kalb	Could not recall
William Beecher	Could recall as mentioned in summary
Joseph Anderson	Could not recall
Hedrick Smith	Could not recall
Richard F. Pedersen	Could recall as mentioned in summary
Joseph Schmidt	Could not recall
Ambassador William Sullivan	Sounded very familiar but could not be sure
Jacob Andrews	Could not recall
James W. McLane	Name was familiar but was not sure

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John Patrick Sears

Could not recall

Richard Moose

Recalled as mentioned in summary

Joseph Kraft

Could not recall

Arthur Schnedeker

Could not recall

Helmut Sonnenfeldt

Could recall as mentioned in summary

[] was asked whether or not the name General Haig was familiar to her with regard to the summary letters. She advised that this name was not familiar to her with regard to any dictation she took from Mr. Wells and she was sure no summary letters contained that name. She said, however, she knew General Haig was assigned to the White House because he visited Mr. Sullivan on several occasions at the Bureau. She advised that she recalled one other individual assigned to the White House that communicated with Mr. Sullivan, one []. She stated, however, that she could not recall meeting him -- that his contacts were basically by telephone.

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[] was specifically asked where the wiretap logs were located at the time she resigned from the FBI. She said that she specifically recalls that prior to her last annual leave, when an employee of the FBI, which would have been sometime in June or July, 1971, Mr. Wells came over to her office and asked her to prepare these documents for him to carry from the office. She responded to his request by getting the material (logs) from Mr. Sullivan's safe-type cabinet and placing them in approximately five large Government messenger envelopes, after which he departed with them presumably to take this material back to DID. She estimated that if this material was in a stacked condition it would be approximately 18 inches deep. She recalled that after returning from two weeks' vacation in August, 1971, she noticed that the logs had not been returned to Mr. Sullivan's cabinet and she asked him about them. She said he replied "Mr. Wells and Mr. Brennan are working on them." She identified Mr. Brennan as Charles D. Brennan, the then Assistant Director of the Domestic Intelligence Division.

After returning from vacation as heretofore mentioned, [] advised that she was informed by [] that she [] had taken dictation and transcribed into a letter information in connection with her, [] special program.

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[] was asked if she knew of anyone else in the secretarial force in DID who had worked or performed some service in

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connection with this program. She stated that [redacted] a secretary in the front office of DID, had taken dictation and prepared letters in connection with this program under the direction of Mr. Wells. She stated in fact she assumed the position previously occupied by [redacted] after [redacted] resigned from the Bureau.

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[redacted] was specifically asked if she knew or was aware of anyone from the White House who would have access to the material in this program. She replied that she did not. She did state, however, that she recalls General Haig of the White House visiting in Mr. Sullivan's office on a couple of occasions but she did not know if these visits were in connection with this program. She further recalled speaking on the telephone with [redacted] whom she believed to be with the White House staff on several occasions when he would call for Mr. Sullivan but again she did not know if these calls pertained to the special program.

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FEDERAL BUREAU OF INVESTIGATION

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[redacted] Secretary, FBI, was interviewed by Inspector Meincke and Special Agent Zinn concerning any knowledge she possessed pertaining to wiretaps conducted by the FBI which were handled at FBI Headquarters under the direction of William C. Sullivan, Assistant to the Director, FBI, and assisted by Mr. Bernard Wells, a Supervisor in the Domestic Intelligence Division of the FBI.

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She recalled that when Mr. William C. Sullivan was promoted from Assistant Director of the Domestic Intelligence Division to the Assistant to the Director, exact date unrecalled, he physically transferred from Domestic Intelligence Division, 9th and D Building, to the main Justice Building, and among other files he brought with him were wiretap logs in connection with a very special project concerning a wiretap operation. She said wiretap logs were received in Mr. Sullivan's office from Special Agents of the Washington Field Office of the FBI and that initially the summaries from these logs were done by Mr. Bernard Wells, Supervisor in Domestic Intelligence Division, and dictated to [redacted] a Bureau secretary, who was transferred with Mr. Sullivan when he left the Domestic Intelligence Division.

She remembered that at a later date under instructions of Mr. Sullivan, she would review these wiretap logs and mark pertinent portions of them with a red pencil and then these were given to Mr. Bernard Wells for him to dictate. She advised Mr. Wells was a Supervisor at that time in the Domestic Intelligence Division and would come over to Mr. Sullivan's office or into the front office periodically to dictate these summary letters.

She further recalled that in the absence of [redacted] she may have typed some summary letters for Mr. Wells and remembers that there were no abstracts to the letters and no note containing information on the bottom of the yellow copy.

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It was her recollection although she was not sure that letters authorizing the wiretaps and the yellow copy of the summary letters

Interviewed on May 10, 1973 at Washington, D. C. File # _____

Inspector W. A. Meincke and
Special Agent E. T. Zinn:bhg

Date dictated May 12, 1973

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were maintained in Mr. J. Edgar Hoover's office. She said she is not sure of this. She was specifically asked if she can recall if the yellows were maintained in a separate file and possibly kept in a cabinet at or beneath the mail rack in the outer office. She said this could be possible but she has no recollection of where the yellows were maintained.

[] advised that at sometime prior to Mr. Sullivan's resignation, exact date unrecalled, Mr. Wells came to Mr. Sullivan's office and took these wiretap files. She said at a later date he returned them but cannot recall the circumstances surrounding the return of these documents.

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After Mr. Sullivan's resignation she cannot remember where the files pertaining to this project were maintained.

She was asked if she could remember any names and/or information on the logs. She said it has been a long time since she performed this function; however, she does remember that the names of Mr. George McGovern and Mr. Edmund Muskie were mentioned on some logs. She stated she does not remember what logs contained the reference to Mr. McGovern and Mr. Muskie. She continued that she does recall seeing an authorization letter to the Attorney General requesting a wiretap on Marvin Kalb, the news commentator and also remembers seeing this document return with the Attorney General's authorization in connection with this project. She could not remember any other names that were mentioned or any data contained on the logs. She was asked if in the event certain names were mentioned would she be able to recall if these persons were involved in the wiretap operation or, in fact, were wiretapped by the FBI. She said that it was possible. The names of Henry Brandon, Tony Lake, Winston Lord, Colonel Robert Pursley, Richard F. Pedersen, Ambassador William Sullivan, James W. McLane, Joseph Kraft, and Heimit Sonnenfeldt were identified by [] as being individuals mentioned in the wiretap logs and on whom the FBI had wiretaps.

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[] was asked if she ever did any filing of documents concerning the wiretap operation. She said that she did in fact perform this function and would file the logs in a safe-type cabinet behind Mr. Sullivan's desk. She was asked if she could recall seeing any authorization letters returned from the Attorney General referring to this project in the files which contained the logs and she said it was her

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recollection that the authorization letters were not in these files and in fact thought that the authorization letters along with the yellows were maintained in Mr. Hoover's office. She said this occurred a long time ago and therefore could not be positive.

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Joseph A. Sizoo, former Number One Man, Domestic Intelligence Division (DID), was interviewed regarding any knowledge in his possession concerning possible wiretaps on newsmen and/or Government officials in connection with high-level leaks of national security information. Mr. Sizoo advised as follows:

During absences of former Assistant Director William C. Sullivan, Sizoo was generally in charge of and ran the Division.

To the best of Sizoo's recollection about a year or so after President Nixon's inauguration he became aware of the existence of a special program concerning wiretaps for the White House. It lasted for a couple of months after this time. This program was being handled exclusively by former Assistant Director Sullivan and Supervisor Bernard Wells.

Sizoo has no knowledge as to the identities of any persons at the White House or Department of Justice who requested these wiretaps or issued instructions concerning the program. However, he said he saw General Haig come over to see Sullivan on at least one occasion during the time he, Sizoo, served as Sullivan's Number One Man.

Although Sizoo has no knowledge as to who requested or authorized the wiretaps, or the duration of them, he feels each would have been authorized by the Attorney General in written form. He knows of no wiretap by the FBI which was not approved in writing by the Attorney General.

Sizoo was never informed of any specific details with respect to this program other than an instruction from Sullivan that certain logs in sealed envelopes would be hand delivered from Washington Field Office and in Sullivan's absence, Sizoo was to give the logs to Bernard Wells who would handle the necessary dictation. Sizoo does not recall discussing these logs with anybody and merely gave them to Wells for handling. His recollection is that he personally received the logs, in Sullivan's absence, on an average of about once every week and a half to two weeks and may have opened the first few envelopes he received to establish they were to go to Wells for

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handling, and passed them to Wells. Subsequently, envelopes from Washington Field Office went to Wells unopened. Sizoo does not recall names of persons identified in the logs or the substance of any information in the logs, as he did not read the logs.

Sizoo cannot recall the number of wiretaps in operation at any one time.

Sizoo does not recall discussing this program with Donald Moore, Number Two Man, or Charles D. Brennan, Section Chief, DID, or anybody else. Bernard Wells was extremely discreet about the program and Sizoo received no specific information from Wells about it.

Sizoo vaguely recalls occasions when he may have had telephonic conversations with [redacted] Supervisor, Washington Field Office, concerning wiretaps under this program. These calls would have been instructions from Sullivan which Sizoo was merely relaying. Conversely, any calls from [redacted] to Sizoo, in Sullivan's absence, would be passed on orally by Sizoo to Sullivan. Sizoo has no recollection as to details of any such conversations but believes he might have telephoned [redacted] on one occasion to instruct that a particular wiretap be installed.

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As to the identities of the individuals on whom wiretaps were placed, Sizoo said the only name that came to mind was Gelb who he believes was working in the White House. Another name vaguely familiar is Kalb, a newsman. He could recall no others and said he made no effort to remember.

Sizoo was specifically asked for his recollection as to whether the following individuals were subjects of wiretaps and furnished the comments as indicated:

<u>Names</u>	<u>Comments</u>
Henry Brandon	Name is familiar
Dr. Morton Halperin	Name is familiar and could have been subject of coverage

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<u>Names</u>	<u>Comments</u>
Tony Lake	Name is familiar and could have been subject of wiretap
Helmut Sonnenfeldt	Sounds more familiar, could have been subject of wiretap
Daniel Davidson	Rings no bell
William Safire	Vaguely familiar
Winston Lord	Vaguely familiar
Colonel Robert Pursley	Rings no bell
Marvin Kalb	Name is familiar and could have been subject of wiretap
William Beecher	Rings no bell
Hedrick Smith	Rings no bell
Ambassador Richard F. Pedersen	Rings no bell
Ambassador William Sullivan	Rings no bell
James W. McLane	Rings no bell
John Patrick Sears	Has heard name but does not recall connection
Richard Moose	Familiar but connection not recalled.

With regard to the memoranda dictated by Bernard Wells from the logs, Sizoo does not know to whom the memoranda were addressed. He said some may have been sent to the White House and perhaps some to both the

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White House and the Attorney General. He said he just does not know because he was not aware of the instructions Sullivan gave to Wells in regard to this special program.

When Bernard Wells was absent from duty for any reason Sizoo does not recall any other person handling these logs for him.

Sizoo said it may be that he handled preparation of one letter when Wells was absent. If so, it was at Sullivan's request, and he does not recall this letter coming back to him from Miss Gandy or anyone else. This letter may have requested authority for a wiretap on an unrecalled individual. If he wrote this letter, he may have used Sullivan's typed initials at the bottom of the yellow copy since this was Sullivan's project, but this is not clearly recalled. He is hazy about this and the letter.

Sizoo had no recollection of ever reviewing memoranda prepared by Bernie Wells when Sullivan was away.

Sizoo believes the communications regarding this program were maintained in custody of Sullivan. He has no knowledge as to the volume of logs involved in this program and does not know where they were filed. He assumes they were filed in Sullivan's office, but he never had occasion to view the specific storage area.

It was Sizoo's vague recollection that [] was anxious to have the wiretaps discontinued and may have asked Sizoo to attempt to persuade Sullivan to get them discontinued. Sizoo believes he might have told [] that this was something he, [] should talk to Sullivan about.

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Sizoo had no knowledge of any wiretaps being maintained after the approval was rescinded.

With regard to any records maintained in connection with this wiretap program, Sizoo's recollection is that Miss Gandy may have initially maintained custody of the records. He has a faint recollection that some problem developed and Miss Gandy then asked Sullivan to keep the records at Domestic Intelligence Division. When Sullivan was designated Assistant

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to the Director and his office moved to the Justice Building, Sizoo assumed the records went with Sullivan to the Justice Building. Thereafter, he has no information as to what might have been done with these records. With reference to discontinuance of wiretaps under this program, Sizoo seems to have recollection that Bernard Wells went to Sullivan's office in the Justice Building to dictate and, therefore, assumes the wiretaps were discontinued sometime thereafter.

Sizoo does not know whether these wiretaps were entered into Bureau indices, does not know whether files were opened on them, but assumes they were not since the project was highly restricted. He does not recall giving any instructions to Washington Field Office regarding maintaining or not maintaining records regarding these wiretaps, and he has no recollection of any contact with Miss Gandy regarding them.

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May 8, 1973

[redacted] was interviewed and furnished the following information which was based on his current recollection.

During the spring or summer of 1969 the Washington Field Office was orally requested to institute a discreet investigation of John Sears, an employee of the White House, who was formerly an attorney in Mr. Nixon's law firm in New York City. [redacted] could not recall whether the telephone call came to him or to then SAC Purvis and later transferred to him. He believes the call came directly to him from former Inspector Joseph Sizoo, Number One Man to the then Assistant Director of the Domestic Intelligence Division, William C. Sullivan.

Investigation in this matter included a request for both a physical and telephonic surveillance (wiretap). [redacted] was specifically told by Inspector Sizoo that the wiretap was to be handled most discreetly with only one copy of the transcription log made which was then to be hand carried to the office of the Assistant Director, Domestic Intelligence Division.

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[redacted] was advised by Sizoo that there would be no paper on this coverage to Washington Field Office. The transcription logs in this and all subsequent wiretaps were picked up by [redacted] from the Washington Field Office monitoring installation each morning, sealed and hand carried by selected Agents of Washington Field Office, names not recalled, to the Assistant Director's office of the Domestic Intelligence Division. [redacted] recalled that the wiretap on Sears lasted for approximately two to three months. In this particular case, as in all others, a telephone call was received from a representative of Domestic Intelligence Division instructing that the coverage be discontinued.

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Subsequently, during the period 1969 through 1971, representatives of Domestic Intelligence Division including Inspector Sizoo, former SA Bernard Wells, and possibly SA Tom Smith, orally instructed that additional wiretaps be placed on other White House employees and certain representatives of the news media. Some wiretaps ran for short periods, one or two months;

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by Inspector Nick F. Stames and
A.G. O. Watt:bhg Date dictated May 7, 1973

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others ran for from six to eight months. [] stated that the names that immediately came to mind are Morton Halperin, which coverage lasted from eight to ten months; Helmut Sonnenfeldt, six to eight months' coverage; and William Safire, three to four months' coverage. The above named were White House employees, most of whom were connected with the National Security Council. Other wiretap requests concerned Henry Brandon of the London Sunday Times, which coverage lasted between six to eight months, and a first name unknown Smith, a New York Times Reporter, which lasted for several months. As of mid-1972 three or four wiretaps were in existence, identities of which [] could not recall. [] stated all wiretaps were discontinued shortly after June, 1972, following the "Keith Decision," concerning wire tapping in National Security matters.

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[] stated he assumed that all requests from the Domestic Intelligence Division ^{for} special wiretap coverage were approved by former Director Hoover. When the initial request was made, Washington Field Office was advised at that time whether the requests for wiretaps were actually approved by the then Attorney General, John Mitchell, or that they would be approved prior to implementation. On several requests, specifics not recalled, one phone call from Domestic Intelligence Division would request background information for contemplated wiretap coverage and a later phone call would instruct that the coverage be implemented since there was Attorney General approval. In other instances, there would be only one call to Washington Field Office instructing that wiretaps be implemented on the interested individual, as prior Attorney General authorization had already been obtained.

[] stated that upon receipt of the oral request he would advise Ernest H. Belter, now retired, the former supervisor of the Washington Field Office monitoring installation, and SA [] who had liaison with the Chesapeake and Potomac Telephone Company. [] through a highly confidential source at the telephone company, name not recalled, would arrange for the wiretap on the individual in question.

[] stated no written request was made to the phone company during any of these specialized installations nor was any billing made to the FBI by the phone company for such installations.

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[] stated in addition that during this period, no written records were maintained by Washington Field Office concerning wiretap coverage requests with the following exceptions: Each time an oral request was

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received by [] he would dictate a brief summary including the individual's name and any background available. This dictation was taken by his then secretary, [] since retired. When [] received a telephone call instructing that a particular wiretap be discontinued, he would then destroy the above-described memorandum previously prepared on this individual. [] stated unequivocally that there is no written record of any kind currently in the files of Washington Field Office or in his possession relating to oral wiretap requests received from the Domestic Intelligence Division. He advised that the information initially recorded on tapes from the wiretap coverage was erased from these tapes after being typed on logs.

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[] stated that following the departure of W. C. Sullivan in October, 1971, a request was made by someone at FBI Headquarters, name not recalled, to reconstruct the entire wiretap coverage requests to which he was a party. [] at that time, gave SA Tom Smith a complete list of names of those individuals he recalled on whom he was requested by Domestic Intelligence Division to place wiretap coverage. He stated if such information was still available by Mr. Smith it would be more complete than the information he is now furnishing as it was then fresh in his mind.

[] stated that he cannot comment on the productivity of any of the wiretaps as his essential function in this matter was to obtain the log transcriptions from the coverage each morning and have these papers hand carried to the Domestic Intelligence Division. He stated that it was his understanding that former SA Bernard Wells, currently a U. S. Department of Justice employee, was delegated by Assistant Director Sullivan to review all transcription logs and thereafter prepare a summary memorandum for Mr. Hoover's approval prior to forwarding same to the White House. He stated also that SA Tom Smith may have on occasion analyzed these logs and prepared memoranda as did Wells. (Smith is currently a Section Chief in the Domestic Intelligence Division.)

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[] identified the following employees, all clerks, who monitored the special wiretap coverage during the period 1969 through mid-1972:

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All of the above individuals are currently assigned to the Washington Field Office.

[] stated that to the best of his recollection, there was only one instance, the coverage of Sears mentioned above, where physical surveillance in addition to wiretap coverage was specifically requested. [] added there were a number of Agents involved in this surveillance which lasted for about four to six weeks; however, the two that he recalls specifically are SAs [] and [] currently assigned Washington Field Office. [] stated that the results of this surveillance were recorded by him, [] in summary memorandum and furnished with the transcription logs to Domestic Intelligence Division. No other record was made of this physical surveillance coverage.

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FEDERAL BUREAU OF INVESTIGATION

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May 9, 1973

Ernest H. Belter was interviewed and advised as follows to the best of his recollection:

Sometime in the Spring of either 1969 or 1970, Supervisor [] of the Washington Field Office (WFO) came to him and advised that he [] had received an urgent request from Assistant Director William C. Sullivan, Domestic Intelligence Division (DID), that the White House was concerned about leaks, and Sullivan told [] that some technical surveillances (wiretaps) were to be initiated by WFO on names that would be furnished to [] by Sullivan. Belter was informed by [] that in connection with these wiretaps no written records of any kind were to be maintained by the employees of WFO who would be connected with this matter, with the following exception:

Belter was informed by [] that only an original transcription log was to be recorded concerning these wiretaps and that he, [] would personally pick up these logs on a daily basis from Belter in order that they could be hand carried in a sealed envelope to the Assistant Director's Office, DID. Belter was advised by [] that anything of any length or substance was to be recorded on tape but that the individuals who monitored these wiretaps should subsequently transcribe only one copy of the log. Monitoring employees were instructed to pay particular attention to conversations between the subjects of the wiretaps and members of the news media. After the pertinent conversations were transcribed from tape to the log, the tape was kept by Belter for anywhere between two to four weeks, after which time it was completely erased. Belter stated this procedure concerning erasure of tapes was followed in all national security wiretaps, not only those concerning White House leaks.

[] subsequently gave Belter telephone numbers and addresses concerning some individuals who were to be the subjects of wiretaps. Belter in turn furnished this information to SA [] of WFO who handled liaison with the Chesapeake and Potomac Telephone Company. Belter informed [] that these matters were to be handled on a priority basis and, according to Belter, the monitoring of the wiretaps usually was

Interviewed on May 8, 1973 at Havre de Grace, Maryland File # _____

by SA Nick F. Stames and
SA Garry Owen Wattigms

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May 9, 1973

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initiated approximately three to four hours after Belter had received from [] the telephone numbers, names and addresses of the individuals to be monitored. According to Belter, [] would then orally request that the wiretaps be placed into effect through his contacts at the telephone company.

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The individuals whom Belter recalls were to be the subjects of wiretaps are listed as follows, together with the length of time that Belter recalled the wiretaps were in effect:

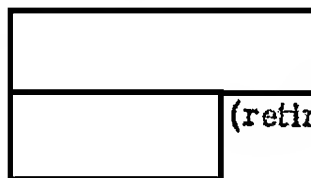
- Morton Halperin, 12 to 16 months;
- Helmut Sonnenfeldt, 2 months;
- Daniel Davidson, 2 months;
- Richard F. Pedersen, 2 months;
- John Patrick Sears, (Belter could not recall the length of time of this wiretap nor could he recall the circumstances surrounding the wiretap request);
- Colonel Robert Pursley, 6 to 8 months;
- William Safire, 4 months;
- Richard Moose, 4 months;
- Marvin Kalb, one to 2 months;
- Henry Brandon, 3 to 12 months;
- William Beecher, two to 3 months; and
- James McLane, one week.

Belter advised that to the best of his recollection a total of approximately 12 to 15 such wiretap requests were handled by him; however, he could only specifically recall the names of the above individuals.

Belter advised that the following employees of WFO were utilized in the monitoring of the above-mentioned wiretaps:



(retired)



(retired)

(retired)

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Belter stated the above monitoring employees were all clerical employees of WFO, either Special Employees, Investigative, or Special Clerks.

Belter stated that none of the individuals on whom wiretaps were placed were ever the subject of leased-line requests to the Chesapeake and Potomac Telephone Company as these wiretaps had all been removed prior to the institution of the leased-line letter procedure whereby the Bureau, in writing, requested wiretap coverage from the Chesapeake and Potomac Telephone Company. Belter noted that the leased-line letter procedure was instituted sometime in August, 1971. In addition, the Chesapeake and Potomac Telephone Company did not bill the FBI for any wiretap coverage prior to the institution of the leased-line letter procedure. Therefore, according to Belter, there would be no written record at the Chesapeake and Potomac Telephone Company concerning the above-noted wiretap requests.

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Belter stated that his supervisor, [redacted] would usually pick up the one transcribed copy of the wiretap logs on a daily basis from the WFO monitoring station, after which time [redacted] would make a Xerox copy of the logs that would be furnished that day to DID. The purpose of [redacted] making a Xerox copy of the logs, as Belter understood it, was to enable [redacted] to specifically answer any questions DID might have had concerning any particular conversation appearing on the original log. According to Belter's knowledge, these Xerox copies were destroyed by [redacted] within two to three days after they were made, after [redacted] satisfied himself that DID had no particular questions concerning any log furnished that Division.

According to Belter's best recollection, the following Special Agents at WFO delivered the sealed envelope containing the transcribed logs to the Assistant Director's office, DID:



and



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[redacted] informed Belter shortly after the initial wiretaps had been placed into operation that to the best of [redacted] knowledge, these wiretaps had been approved by the then Attorney General, John Mitchell.

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Both Belter and [] then each surmised that the wiretaps must have been also approved by the then Director of the FBI, J. Edgar Hoover.

Belter stated that he recalled no instance when any information of specific value was obtained from the above wiretaps that could be tied in with any possible leak at the White House. He also recalled there were many days when a particular line was completely inactive. On these occasions Belter would ask [] why these wiretaps could not be discontinued as there was obviously no information being obtained from them. [] replied that discontinuance would have to come from DID, and until such discontinuance was received, the wiretaps were to remain in effect. In this regard, Belter also stated that when a wiretap was discontinued he would orally receive an order from [] for such discontinuance, at which time [] would also inform him that this order had come from DID. Belter would then advise SA [] who in turn orally advised his contact at the telephone company to discontinue the wiretap. Belter reiterated that this entire procedure, both installation and discontinuance of the wiretap, was made orally.

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Belter stated he personally considered the above procedures, wherein no written record whatsoever was to be maintained concerning the above wiretaps, to be extremely unusual. Belter recalled that in his some twenty years' association with the monitoring installation, this was the only time that no written record was maintained concerning wiretaps, and that no substantive files were opened concerning the individuals involved.

Belter stated that during the period 1969 through January, 1973, when he retired, he supervised the WFO monitoring installation.

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~~SECRET~~Date of transcription May 9, 1973

[redacted] was interviewed and furnished the following information based on his current recollection:

Sometime during the summer of 1969 he was orally advised by Ernest H. Belter, who was at that time in charge of the monitoring installation at Washington Field Office (WFO), that certain telephonic surveillances (wiretaps) would, from time to time, be placed on certain phones in order to attempt to uncover leaks at the White House. [redacted] stated that he obtained the phone numbers, names and addresses on the individuals on whom the wiretaps were to be placed orally from Ernest Belter or WFO Supervisor [redacted]. When these names, addresses and telephone numbers were orally furnished to him he would then, in his liaison capacity with the Chesapeake and Potomac Telephone Company, personally contact [redacted] an employee of the telephone company, who handled the wiretap. Following the retirement of [redacted] from the telephone company early in July, 1971, [redacted] subsequently dealt with [redacted] who succeeded to [redacted] job at the telephone company.

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It was at this time, [redacted] recalled, that officials of the telephone company visited Bureau headquarters and requested that in the future the FBI pay for any leased lines that it had in operation or would in the future request. [redacted] stated that he recalled through his conversations with [redacted] that the Legal Department of the telephone company also requested at this time that leased line letters requesting telephone company assistance for the placing of wiretaps be used by the FBI to request such assistance in future dealings, rather than orally as was the previous method. Sometime in August, 1971, [redacted] recalled, based on new procedures agreed upon by the FBI and the telephone company, he began to receive, from time to time, from Ernest Belter sealed leased-line letters which were requests to the telephone company to install wiretaps on the telephone numbers and addresses of unnamed individuals. He stated the leased-line letters do not identify the individual by name. [redacted] stated he could not now specifically recall the names of any individuals on whom these wiretaps were placed or if the leased-line letters, mentioned above, pertained to wiretaps relating to White House leaks. He also would orally be advised by

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Interviewed on May 7, 1973 at Washington, D. C. File # 15

SA Nick F. Stames and

SA Garry Owen Wattigms

Date dictated May 7, 1973

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Belter to discontinue certain wiretaps from time to time, and when he received these orders to discontinue, [] would orally advise either [] or [] to discontinue. No written request was made for discontinuance. He advised that when wiretaps are placed on individuals under investigation by the FBI in the security field this information would be placed in a sub-two file on this individual provided a main case file had already been opened. He did not remember any instance when information received from these "special" wiretaps was ever placed in a sub-two file of any of the individuals on whom the White House had requested that wiretaps be placed, as he did not believe a main case file was ever opened concerning these individuals.

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[] stated that as far as the actual mechanical procedures involved in wiretap installations, the telephone company assigns the number the Bureau is interested in to a telephone line currently feeding into the WFO monitoring installation. This hook-up is, therefore, effected without any physical installation at the residence of the party involved or WFO.

[] recalled that Ernest Belter retired from WFO in January, 1973, after which time [] was designated to supervise the WFO monitoring installation, the position he currently holds.

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~~SECRET~~ ~~CONFIDENTIAL~~ Date of transcription May 11, 1973

[redacted] Special Clerk, Washington Field Office (WFO), advised he is assigned to the telephone monitoring (wiretaps) section and sometime in May or June, 1969, he participated in a special wiretap project. He was instructed by former supervisor Ernest Belter, now retired, that this project was extremely sensitive and was on a strictly need to know basis. He was told that he and [redacted] would handle this project on a permanent basis and he was not to discuss this project with anyone. The other individuals involved in the project were [redacted]

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[redacted] He was instructed by Belter that the White House was interested in any security leaks from the White House or anyone in the White House furnishing unauthorized data. These wiretaps were placed on several telephones which he recalls as follows:

Henry Brandon
Dr. Morton Halperin
Tony Lake
Daniel Davidson
William Safire
Winston Lord
Colonel Robert Pursley
Marvin Kalb

William Beecher
Hedrick Smith
Ambassador Richard F. Pedersen
Ambassador William Sullivan
James W. McLane
John Patrick Sears
Richard Moose
Helmut Sonnenfeldt

He was given instructions that any information received was to be placed on a log, typed on a plain sheet of paper, and he was to retain no copies. He was instructed not to initial this log as is the usual custom and any tapes were to be promptly erased. He was instructed not to maintain a copy of the log for future reference as is the usual instruction in regard to wiretaps. The typed logs were then hand carried to Belter or in his absence Dudley Payne, now retired, or Supervisor [redacted]. These logs were never furnished to the Special Agent in Charge or Assistant Special Agent in Charge.

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It was his understanding that these logs were then personally delivered to Assistant Director William Sullivan Domestic Intelligence Division (DID), Ninth and D. He knows this to be true because on one occasion

Interviewed on May 7, 1973 at Washington, D. C. File # _____by SA Joseph E. Ziel andSA [redacted] GMS~~SECRET~~Date dictated May 11, 1973

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he hand carried a packet containing wiretap log to the DID office and left this package with the duty Agent for Assistant Director Sullivan whom he understood would be in his office to review this data. He does not recall the date or the year, but he recalls the incident because [redacted]

[redacted] calls in an effort to confirm this information. Since this seemed to be very vital information Supervisor [redacted] was called at home because the information had been received on a Saturday morning or weekend morning and [redacted] felt something should be done with it immediately. [redacted] said that this information later turned out to be [redacted]

[redacted] this data. He could not recall the duty Agent that he delivered the package to and again he could not recall even the year of this occurrence noting that he was on this project from the time that the project began in May or June, 1969, to the termination date which he believed was January or February, 1971.

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The first seven wiretaps were placed on Brandon, Balperin, Davidson, Pursley, Smith, Moose, Sonnenfeldt and then others were added over the period of the next few weeks while others were also deleted due to inactivity or for some unknown reason. He explained that this project spanned a period of about two years and contained so many wiretaps on different individuals, he could not recall when certain names were placed on the list or taken off due to inactivity. He had no idea who made the decisions to add or delete names as he never observed any written instructions but only received oral instructions from Belter.

In connection with information that [redacted] overheard and/or logged with each of the above wiretaps, the following information is set forth to the best of [redacted] recollection:

Henry Brandon: A bachelor reporter of a London newspaper who during early 1969 had numerous conversations with a woman named [redacted] (phonetic) who eventually became his wife. He was writing a book on the Vietnam war and conversed with Averell Harriman on several occasions

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regarding the progress of the war in Vietnam. He appeared to be closely associated with Henry Kissinger as Kissinger stayed overnight on several occasions at Brandon's apartment and Kissinger would converse with his office staff on routine matters. He recalls nothing significant regarding data mentioned in Kissinger's conversations to his White House staff. He recalls that Brandon once conversed with his wife, stating that a White House aide had "spilled his guts" and this was in 1969 but he could not recall details of the conversation nor the name of the party involved. Brandon believed that his phone was tapped and after 1969 did not carry on any long conversations on his residence phone.

OTHER

U.S. Court Order

Tony Lake: No significant information recalled.

William Safire: President Nixon telephoned Safire in late 1969 or early 1970 regarding a speech Safire was preparing for the President and as he recalls it was on Welfare.

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Safire appeared to be a hard working individual based upon his phone calls to his wife.

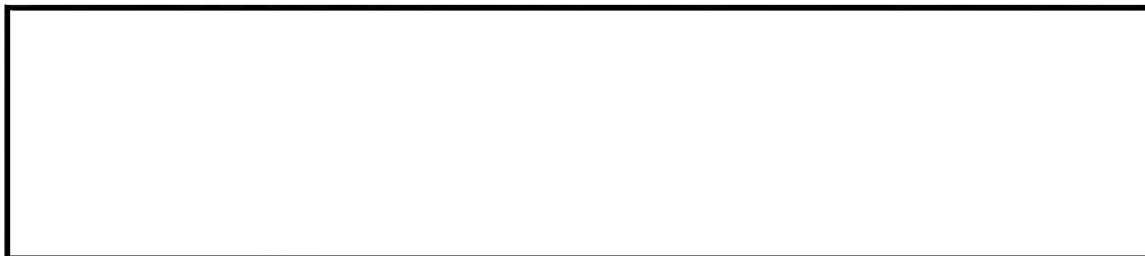


Marvin Kalb: Newsmen, nothing significant.

William Beecher: Reporter for New York Times. No additional information recalled other than set out above. OTHER

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Hedrick Smith: A reporter for the New York Times. Nothing significant recalled.



Ambassador William Sullivan: He had several conferences with Averell Harriman but no significant data recalled.

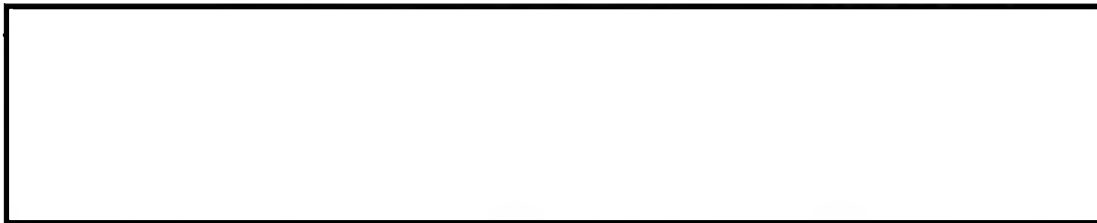


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OTHER

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Richard Moose: Helmut Sonnenfeldt: No significant data recalled.

[redacted] advised that based upon his personal recollection he does not feel that he ever picked up any information on this project that he would consider a breach of the national security. Therefore, he stated not all of what was overheard was placed on a log since most information concerned domestic problems and nonpertinent unrelated activity.

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FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~ ~~CONFIDENTIAL~~Date of transcription May 10, 1973

[redacted] Special Clerk, Washington Field Office (WFO),
furnished the following:

He was assigned to the Telephone Monitoring (Wiretaps) Section and sometime in mid-1969, exact month and date not recalled, he was approached by Supervisor Ernest Belter, since retired, and was advised that a special project was being instituted in an attempt to discover a possible leak coming from the White House or from the National Security Agency to the news media. He was instructed that this project was not to be discussed with anyone and he and [redacted] would be permanently assigned to this project.

Other employees assigned were [redacted]

[redacted] now a Special Agent, Newark. [redacted]

and [redacted] would be the only permanent employees and the others would be on a rotating basis or swing shift operation to the best of [redacted] recollection. The instructions from Belter were unusual as they were told they would only type up one log, retain no copies, and they would not initial the log. They were not under any circumstances to dictate any information from the logs as this project was an extremely sensitive project. The logs were to be taken to Supervisor Belter each morning but on some occasions they would hand carry these logs to his superior, [redacted] Supervisor, WFO. [redacted] never at any time hand carried any logs to the SAC or ASAC or any other supervisors.

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The tapes used were promptly erased and no record was ever kept at the monitoring station. This project was terminated in mid-1971 and Ross had no personal knowledge why this project was terminated and upon whose orders.

In connection with the wiretaps [redacted] specifically recalls that wiretaps were placed on the home telephone numbers of each of the following individuals:

Interviewed on May 7 and 9, 1973 at Washington, D. C. File # _____

Inspector J. E. Ziel and
Special Agent [redacted] bng

~~SECRET~~Date dictated May 9, 1973

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Henry Brandon

Dr. Morton Halperin

Tony Lake

Daniel Davidson

William Safire

Winston Lord

Colonel Robert Pursley

Marvin Kalb

William Beecher

Hedrick Smith

Ambassador Richard F. Pedersen

Ambassador William Sullivan

John Patrick Sears

Richard Moose

Helmut Sonnenfeldt

In connection with information that [] overheard and/or logged in connection with each of the above wiretaps, the following information is set forth to the best of [] recollection:

Henry Brandon: Brandon was a reporter who was writing a book on the Vietnam war and [] seems to recall that Brandon's telephone was monitored for at least the entire period of about two years. Brandon called Ayerell Harriman and they discussed the Vietnam war and how the White House should take immediate action to end this war. [] received the definite impression that Brandon believed the waging of the war in Vietnam was wrong and in his discussions with Harriman he often asked questions

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why Henry Kissinger was pursuing foreign policies as he was then doing. He received the impression that Brandon was very close to individuals, names not recalled, at Brookings Institute and he believes Brandon may be employed there at the present time. Brandon also called Morton Lialperin, who was connected with the National Security Council at the White House, and they also discussed the handling of the Vietnam war. He cannot recall any dates in regard to these calls.

OTHER

William Safire: He heard very little concerning Safire as he received the impression from Safire's discussions with his wife that Safire was an extremely busy individual at the White House. Based upon data recollected Safire was very loyal to the Nixon administration.

OTHER

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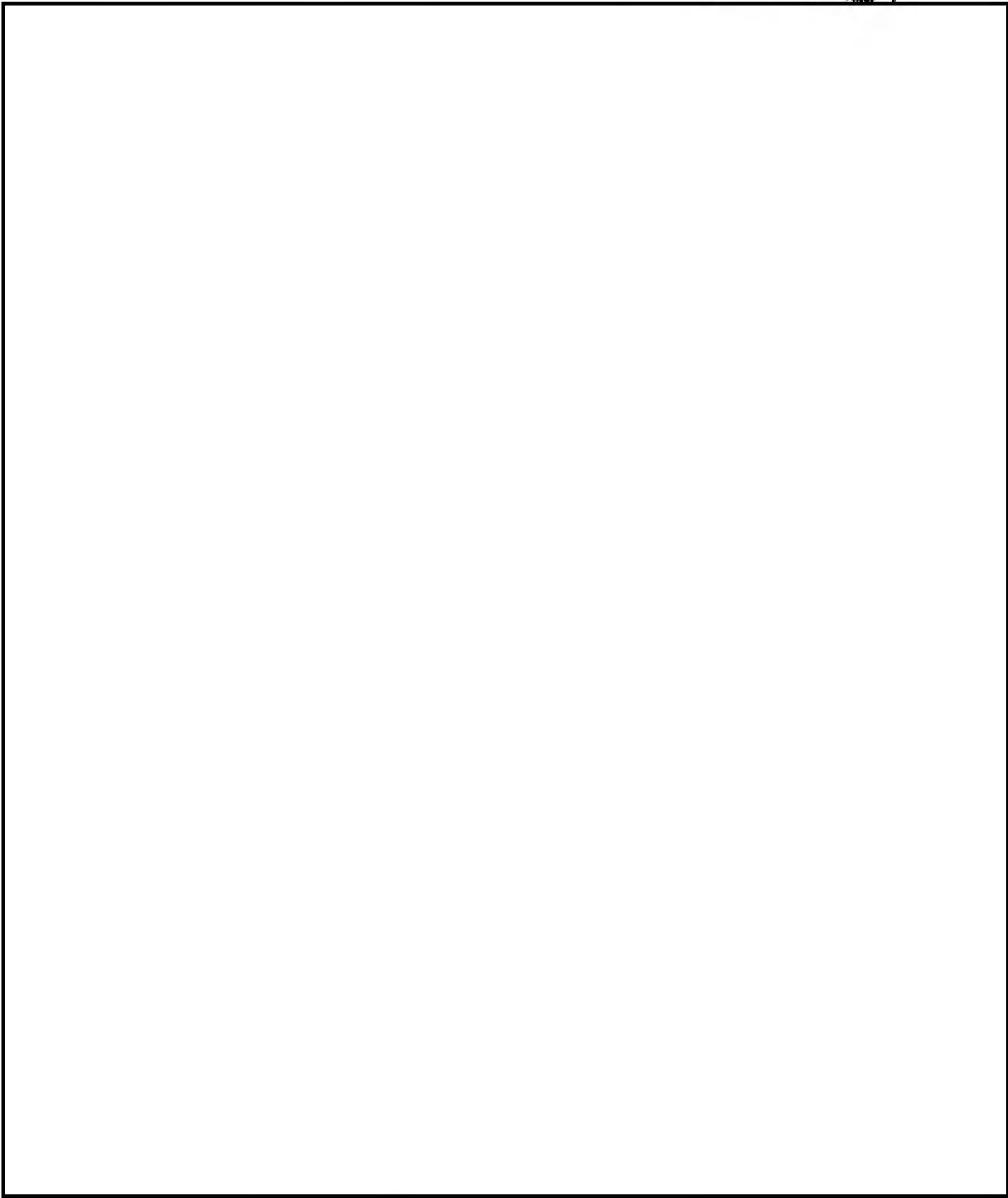
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OTHER

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[redacted]
On 5/9/73 [redacted] advised that after having had a chance to think about this matter he recalls that on one occasion he saw someone else's log wherein an entry was made that [redacted]

[redacted]
[redacted] He could recall no other details concerning this entry and the only connection to a date that he can put with this entry is the fact that he believes this occurred before [redacted]

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OTHER

[redacted]
Summer of 1970.

In addition he recalls that [redacted]
[redacted] and talked about a now unrecalled subject. [redacted] was unable to recall any information concerning the dates of this call.

He stated the name [redacted] meant nothing to him at the time he observed the name on the log; however, his attention was directed to this information due to the fact [redacted]
This was unusual since this involved a member of the White House staff.

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Date of transcription May 10, 1973

[redacted] Special Clerk, Washington Field Office (WFO),
furnished the following:

Sometime in mid-1969, exact month and dates not recalled, he was contacted either by former Supervisor Ernest Belter, now retired, or Supervisor [redacted] and was told that he would be a relief man or a "swing man" for a special project that the FBI was instituting. He was instructed that this project would be entirely different from usual FBI procedure in that no logs would be maintained in the WFO and in fact any information obtained from the special telephone monitoring (wiretaps) would be placed on a log with one copy. He would type the log himself, would not place his initials on the log, and the tapes used would be erased within a few days. He was instructed not to dictate any material and not to discuss this project with any employee within the FBI, with the exception of [redacted] and [redacted], who would be the permanent employees assigned to this project. He believes [redacted]

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[redacted] would be relief men on this project. He was never told but believes that the FBI at the request of the White House was attempting to locate any leaks from the White House. To the best of his recollection this project lasted for approximately one year and a half or from 1969 to mid-1971. All data received was hand carried to Belter or [redacted]. To his knowledge, he never observed any SAC or ASAC assigned to the WFO reviewing these logs.

In connection with the wiretaps [redacted] specifically recalls that wiretaps were placed on the home telephone numbers of each of the following individuals:

Henry Brandon

Dr. Morton Halperin

Tony Lake

Interviewed on May 7, 1973 at Washington, D. C. File #

Inspector J. E. Ziel and

Special Agent [redacted] bhg

Date dictated May 9, 1973

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Daniel Davidson

William Safire

Winston Lord

Colonel Robert Pursley

Marvin Kalb

William Beecher

Hedrick Smith

Ambassador Richard F. Pedersen

Ambassador William Sullivan

James W. McLane

John Patrick Sears

Richard Moose

Helmut Sonnenfeldt

In connection with information overheard and/or logged in connection with each of the above wiretaps the following information is set forth to the best of recollection:

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Henry Brandon: A reporter for the London Times newspaper who often had long conversations with Averell Harriman over the issues of the Vietnam war as well as conversing with Henry Kissinger on occasion about the Vietnam war. He received the impression that Brandon was against the Nixon administration policies regarding the Vietnam war and Brandon had mentioned he was preparing a book on the Vietnam war.

OTHER

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OTHER

Daniel Davidson: No data recalled.

William Safire: He maintained long hours at the White House based upon his conversations with his wife and the only significant information recalled was that President Nixon called him one evening regarding a speech that had been written by Safire for the President.

Winston Lord: No information recalled.

Marvin Kalb: No data recalled.

William Beecher: No data recalled.

Hedrick Smith: Nothing.

OTHER

Ambassador William Sullivan: No data recalled.

James W. McLane: Believed he was the last individual on whom FBI instituted wiretap but recalls no significant data.

Richard Moose: Nothing.

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Order

Helmut Sonnenfeldt: Nothing.

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[] in summation stated that based upon data he overheard on the wiretaps, he would say that no information was ever received which he would consider a breach of the national security. He wanted to point out that not everything overheard was recorded or placed on a log as the majority of the information overheard was general family problems and nonpertinent unrelated activity.

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FEDERAL BUREAU OF INVESTIGATION

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Date of transcription May 12, 1973

On May 11, 1973, Special Agent Robert H. Haynes, Supervisory Special Agent, Intelligence Division, Federal Bureau of Investigation (FBI), was interviewed concerning his knowledge of possible wiretaps on newsmen and Government officials between 1969 and 1971 which were conducted by the FBI at the request of the White House.

During 1969 and up to and including the present time SA Haynes has been responsible for certain liaison functions between the FBI and the White House.

It is SA Haynes' impression that sometime in 1969 Assistant Director William C. Sullivan received requests from an official at the White House by telephone for installation of wiretaps on unidentified individuals. He is also reasonably certain that General Alexander Haig on the White House staff called him, Haynes, on one occasion for coverage on an individual whose identity is not now recalled by SA Haynes. SA Haynes passed this oral request on to Assistant Director Sullivan and has no knowledge as to what further action might have been taken regarding it.

SA Haynes knew that former SA Bernie Wells was assigned by Sullivan to prepare letters to the White House regarding results of the wiretaps. He thinks, but is uncertain as to dates, that he began delivering these letters to the White House in the latter part of 1969.

With respect to the letters prepared by Wells, SA Haynes would get a telephone call from Miss Helen Gandy in the Director's Office that she had a letter for the White House. Haynes would then go to Miss Gandy's office and pencil a note on the yellow file copy, "Delivered by Liaison," and note the date and his initials. The original, the only other copy, would then be placed in an envelope and sealed. The letter would contain the name of the addressee. SA Haynes recalls that these letters were addressed in the beginning to Dr. Kissinger and later to H. R. Haldeman. SA Haynes also seemed to recall that during the early part of this program there were dual original letters, one addressed to the President and one to Dr. Kissinger.

Interviewed on May 11, 1973 at Washington, D. C. File #

SA Theodore L. Gunderson and

SA [redacted] gms

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Date dictated May 11, 1973

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coverage. These letters were intermingled with other FBI correspondence. SA Haynes sat down with [] and picked out those letters that related to sensitive coverage. He was able to do this, he said, by examining phraseology of the letters and utilizing experience and knowledge acquired through 23 years' service in the FBI.

Shortly thereafter, days or weeks, SA Haynes' best recollection is that Sullivan told him Mardian had made arrangements for retrieval of the Presidential and Kissinger letters. In connection with these letters he recalls that there was a list on plain bond paper showing dates of the letters and to whom addressed, i. e., the President, Dr. Kissinger, or H. R. Haldeman. SA Haynes then went to see General Haig who made available his office file and SA Haynes secured the letters. General Haig then referred SA Haynes to [] Assistant to John Erlichman, regarding other letters. These letters were then obtained by SA Haynes and all of the letters obtained from General Haig and [] were then returned to William C. Sullivan.

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Former SA Bernie Wells and SA Haynes checked against yellow file copies to account for all the letters. SA Haynes said there were also the lists of names, and after checking the lists he feels there were definitely some letters missing. He thinks he might have gone back to the White House to check, but he is not sure about this. He does not know whether all letters were eventually accounted for.

The last time Haynes saw these letters was in Sullivan's office in the Justice Building within a month or so before Sullivan's retirement.

SA Haynes has no knowledge concerning the circumstances which brought about the discontinuance of these wiretaps other than possibly a lack of productivity.

SA Haynes has no knowledge concerning the removal of the records from the FBI regarding this sensitive coverage but suspects that if the records were removed they would have been transferred to the then Assistant Attorney General Mardian, who SA Haynes believes had some interest in getting the records from the White House.

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SA Haynes stated that at the time he and SA Wells inventoried the original White House summaries he did not recall seeing any correspondence from the Attorney General to the FBI or from the FBI to the Attorney General. He has no knowledge as to whether or not the Department Of Justice summaries were ever inventoried by Wells or Mr. Sullivan.

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~~CONFIDENTIAL~~Date of transcription May 11, 1973

Robert C. Mardian, residence 2323 North Central (Regency House) Phoenix, Arizona, home phone 253-3989, business phone 254-5981, was interviewed on May 10, 1973.

At the onset of the interview Mr. Mardian was advised of his constitutional rights. He was specifically advised that he did not have to make any statements and if he did they could be used against him in a court of law. He was advised that he had a right to an attorney. Mr. Mardian replied that he was an attorney and formerly an Assistant Attorney General of the United States and was aware of his rights.

Mr. Mardian was advised that this interview specifically pertained to records of wiretap information allegedly given to him on or about July, 1971, by Charles Brennan who was then an Assistant Director of the FBI.

Mr. Mardian advised that on the advice of his counsel, [redacted] he could not answer any questions concerning material he may have received from Assistant Director Brennan. He said further that the President of the United States had issued an order that no Federal employees was to talk about matters concerning national security. He said that although he was not now a Federal employee, he felt the President's order applied to him. He said that he wanted to cooperate with the FBI; that he was specifically instructed by his attorney, [redacted] to tell any inquiring Special Agent who may interview him from the FBI that General Alexander Haig had the information the FBI wanted and to go no further in his conversation or interview.

He said further that he felt compelled not to disclose any information concerning any direct communication he had had with the President of the United States and suggested that the information desired by the FBI could be obtained from General Haig, John Erlichman, H. R. Haldeman and Dr. Henry Kissinger.

Mr. Mardian was advised that for the purposes of this inquiry perhaps he, Mr. Mardian, would be willing to skirt the issues and the

Interviewed on May 10, 1973 at Phoenix, Arizona File # _____

Inspector W. A. Meincke and
Special Agent E. T. Zinn

Date dictated May 11, 1973

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interview continue without specific references to people and specific circumstances. Mr. Mardian said that he would be willing to do this in order to show his cooperation with the Federal Bureau of Investigation. He said he preferred his comments would be off the record and just between us. He was immediately advised by Inspector William Meincke that this could not occur and any ensuing conversation was definitely and positively on the record. Mr. Mardian said, "Well, let's try it."

Mr. Mardian was asked if he knew Mr. Charles Brennan. He advised "Yes, I do." Mr. Mardian was asked if he recalled an incident in July of 1971 when he might have received a package or a bag containing information from Mr. Brennan. He replied "Yes," and then related the following information:

He said that he would like to start from the beginning and advised that sometime in July, 1971, Assistant to the Director of the FBI William C. Sullivan contacted him (the precise location he could not recall) and told him that he (Sullivan) was in trouble with the Director of the FBI, Mr. J. Edgar Hoover, and expected that he might in fact be fired. He did not explain why. He said that he had information that was "out of channel," that he wanted to turn over to the President of the United States. He said this was wiretap information and that, in his opinion, Mr. Hoover could not be entrusted with this wiretap information. Mr. Sullivan continued in conversation saying that Mr. Hoover had used wiretap information to blackmail other Presidents of the United States and was afraid that he could blackmail Mr. Nixon with this information. Mr. Sullivan reiterated his request of Mr. Mardian to personally contact the President of the United States and pass along Mr. Sullivan's information and request.

Mr. Mardian said that he could not do this. Mr. Mardian said he told Mr. Sullivan that he worked for the Attorney General of the United States, who obviously was his immediate superior, and if he had any contact with the President at all, it must be with Mr. John Mitchell's full knowledge and that he would bring this to Mr. Mitchell's attention immediately. Mr. Mardian recalled that Mr. Sullivan appeared to be displeased with the fact that he, Mr. Mardian, would not go directly to the President. However, he cannot now recall any specific comments Mr. Sullivan made in this regard.

Mr. Mardian said that this was the first time he knew of the existence of "out-of-channel" wiretap information. He said he subsequently learned

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that this wiretap was ordered by Dr. Henry Kissinger on behalf of the President. He cannot recall if he learned this from the White House or from Mr. Sullivan. He said this point is simply not clear in his mind. In any event he is sure it was ordered by Dr. Kissinger and the purpose of the wiretap was to determine who in the White House was leaking information -- very vital information -- with regard to the Strategic Arms Limitation Talks (SALT) then in negotiation with Russia. Dr. Kissinger had learned that the United States bargaining position with regard to SALT was being threatened because the upper limits as well as the lower limits which the United States would agree upon were known outside of the White House. Dr. Kissinger felt that this was a very serious breach of national security and, for that reason, suggested to the President that the wiretaps be initiated.

Mr. Mardian said, as best he could recall, he went immediately to Mr. Mitchell with Mr. Sullivan's request and information. He advised he cannot recall the specific conversation other than the fact he simply relayed Mr. Sullivan's request. He said Mr. Mitchell replied that he would handle it.

Mr. Mardian said at this point his memory on time and dates is poor but feels that it was in a very short period of time after his conversation with Mr. Mitchell that he received a telephone call from the White House in San Clemente, California. Mr. Mardian said he would prefer not to say at this time who called him, but he received instructions at that time to take the White House shuttle, an Air Force plane, from Andrews Air Force Base and fly immediately to the White House at San Clemente, California. He advised he complied with that instruction, made arrangements, and immediately left. He said he believed this was on a Sunday and feels sure that it was either the last two weeks of July or the first two weeks in August of 1971. Upon further reflection, he said that it must have been during the last two weeks of July because he maintains a residence in California in close proximity to the Western White House in San Clemente and that this house was rented until the end of July. He said that had the house not been rented he is sure that he would have stayed there overnight, and he now recalls that he did not stay at his own residence. Therefore, he placed the time frame during the latter two weeks of July.

He said the following morning after his arrival in San Clemente, California, he went directly to the Western White House and spoke with the President of the United States, Mr. Nixon. He said he received at

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that time two instructions -- one was to get the FBI material from Mr. W. C. Sullivan and deliver it to the White House, and the second was to check to see if all the material the White House had in Washington, D. C., matched the material supplied by Mr. Sullivan.

Mr. Mardian said he made immediate flight arrangements and returned to Washington, D. C.

Mr. Mardian advised that he cannot now recall how he contacted Mr. Sullivan, bearing in mind that he had had many contacts with Mr. Sullivan during his, Mr. Mardian's, tenure with the Department of Justice. He said that he conveyed the President's message to Mr. Sullivan and asked him to supply all of the wiretap material to him as soon as possible.

Mr. Mardian said shortly thereafter Mr. Charles Brennan, Assistant Director of the FBI, appeared in his office with an "old beat up" satchel, as best he could recall olive drab in color, measuring approximately 8 inches by 12 inches by 17 inches. He said he also specifically remembered that this satchel had William C. Sullivan's initials on it. He said he cannot specifically recall a middle initial but he is sure that W. S. was on the satchel. He said he specifically recalls the initials being on the satchel because they were affixed by a tape upon which the initials were stamped.

He cannot recall any conversation with Mr. Brennan at this time concerning Mr. Brennan's turning over this material. He said he has the distinct impression that Mr. Brennan did not know anything about the contents of the satchel.

Mr. Mardian said that he placed the satchel in a locked closet in his office. He said that he then called the White House in Washington, D. C., advising that he had the material. Again, Mr. Mardian said he would prefer not to name the individual in the White House to whom he made the call. He said that at this point the timing is hazy. He says, as best he can remember, the satchel stayed in his office for approximately two days, before he got a call from the White House to bring it over and to deliver it to Dr. Kissinger and General Haig. Mr. Mardian said he responded to the White House request right away.

He said when he went into the White House he went directly to Dr. Kissinger's office. Dr. Kissinger and General Haig were present. He said he specifically remembered the incident because when he came

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into the office, Dr. Kissinger addressed a remark which Mr. Mardian felt was in extremely poor taste under the circumstances, to himself, Mr. Mardian, and to Dr. Kissinger's secretary. Dr. Kissinger said something to the effect, "Do you have what I said on the phone," implying, according to Mr. Mardian, that Mardian had results of a wiretap on Dr. Kissinger. Mr. Mardian said that he felt this was in such poor taste that it did not require a reply. Dr. Kissinger also said that he had been keeping logs for the time when he writes his memoirs, but laughed and said he doesn't keep them any more. Mr. Mardian felt that this was simply a jocular response, and there was no truth whatever in it nor was there intended to be.

Mr. Mardian said that in Dr. Kissinger's and General Haig's presence he opened the bag and removed a group of papers from the bag "clipped together" with a sheet of paper on top which had the chronological listing of summaries of wiretap information that had been previously furnished by the FBI to the White House. He said that he and Dr. Kissinger checked by date and satisfied themselves that Dr. Kissinger's material matched with the cover sheet which Mr. Mardian was using. Mr. Mardian said that he cannot recall ever looking at the summaries or ever discussing the summaries themselves but simply checking the cover sheet by date. He said that he cannot recall any yellow copies of summary information in the bag but said that his memory is poor on this point, and that is not to state that they were not in the bag. He said the bag was crammed full and it is his distinct recollection now that it contained summaries of information obtained from wiretaps and the logs from which the summaries were written. He said he was trying to be helpful on this point but simply cannot describe the appearance of the papers in the bag at this time but again reiterated it is his distinct impression that they were wiretap logs and summaries. At this point Mr. Mardian was specifically asked whether or not there were any letters in the bag to the Attorney General of the United States written by the FBI requesting the wiretaps be initiated. He replied immediately that he could not recall them being in the bag and said that it was his impression that they had not been authorized by the Attorney General. He was specifically asked to clarify this point at which time he retreated from the statement and said that that was simply a surmise of his. He said he never saw, to his recollection, any authorization by the Attorney General in connection with this series of wiretaps but said that no one told him there was no authorizations nor did he have any factual information that would indicate the wiretaps were anything but duly authorized by the Attorney General.

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He said that after he and Dr. Kissinger and General Haig were satisfied that the material in Dr. Henry Kissinger's office matched the itemized list, he walked into Mr. Haldeman's office. He said again this point is not completely clear in his mind but he has the distinct impression that he left the check list with Mr. Haldeman to check against the summaries that Haldeman had in his possession in his own office.

He said that as a result of Mr. Haldeman's check, as best he can recall, two of the summaries which were sent to the White House did not check against the list. He said his memory could be at fault and that, in effect, it could have been two that were in Dr. Kissinger's possession; however, he feels that the two missing summaries were missing from the summaries which Mr. Haldeman checked against the itemized list.

After Mr. Haldeman completed his check, Mr. Mardian said he retrieved the bag with all its contents and walked into the Oval Room of the White House and left the bag. He was specifically asked to whom he gave the bag. He said he preferred not to answer because of the President's order concerning employees talking about national security information. Mr. Mardian was specifically asked "Did you give the bag to Mr. Nixon, the President of the United States?" He sat back in his chair, shrugged his shoulders, hesitated and said, "I cannot answer that question." Mr. Mardian said that this ended the entire incident as far as he was concerned with regard to the bag that was turned over to him by Mr. Brennan. He said that while he had the bag in his possession he seems to recall that he did check with someone in the Department of Justice to see if summaries they had received checked against the check list which was on top and clipped to the summaries. Mr. Mardian said that it is his intent to be completely candid with the FBI but that he cannot now reconstruct in his mind exactly when this latter incident occurred.

Mr. Mardian said that it is his recollection that when he compared the White House summaries with the check list in Dr. Kissinger's office with Dr. Kissinger and General Haig, that none of the summaries or the entries on the check list were beyond 1969. Upon further reflection, he said again that although he cannot recall any summary dated later than 1969, he cannot make the statement that he is absolutely positive on this point. He said he wants to be absolutely accurate in everything he is saying to the FBI and he simply cannot recall anything beyond 1969.

Mr. Mardian was asked if there was anything else he could recall that was not covered in the interview that was germane to the incident

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involving the bag which he received from Assistant Director Charles Brennan. He said "Yes," that just prior to this interview being then conducted he had received a call from William C. Sullivan. William C. Sullivan said that he was preparing answers for the FBI on this very incident and he wanted to clarify in his own mind the entire incident. Mr. Sullivan, in effect, in his telephone conversation said "Bob, do you recall my sending this wiretap information to you for review by the Department of Justice." Mr. Mardian replied to Mr. Sullivan that he did not recall that at all and said the facts as he, Mardian, knew them were that sometime in July, 1971, that Mr. Sullivan called him, asking him to call the President of the United States because Mr. Sullivan had wiretap material in his possession and at that time was in trouble with the Director of the FBI, Mr. J. Edgar Hoover, and might be fired. Mardian said he recounted to Mr. Sullivan that Mr. Sullivan had told him at that time that in Sullivan's opinion Mr. Hoover couldn't be trusted with this type of information in that Mr. Hoover might use it against the President, as he had done in previous Administrations, and for that reason he wanted the President notified of the existence of the material. Mr. Mardian also refreshed Mr. Sullivan's mind by asking if he recalled the fact that Mr. Mardian had first gone to the Attorney General and then received specific orders from the President of the United States. Mr. Sullivan replied "Bob, I think you're right," and said that his, Sullivan's, memory was getting very poor.

Mr. Mardian said at the conclusion of the interview that it was obvious he had gone way beyond the advice of his attorney and may have, in fact, violated the President's order with regard to national security information. Mr. Mardian said that although it may turn out that he should have followed his attorney's advice, he told the story candidly and as best he could recall and did it because it was the truth and he wanted members of the FBI and of the Department of Justice to know that he is a truthful and honorable person.

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~~SECRET~~Date of transcription May 12, 1973

John G. Mitchell, former United States Attorney General, furnished the following information to the best of his recollection:

Sometime during the Spring or Summer of 1969 former FBI Director Hoover met with him and advised him that the FBI at that time had some wiretap coverage on certain individuals specifically requested by the White House. These wiretaps were reportedly instituted to uncover possible leaks emanating from the White House, specifically from the National Security Council. Mitchell stated it was not unusual for him not to have known of this at its inception since on many occasions Mr. Hoover would deal directly with the President or the White House on extremely sensitive matters, and circumvent the Attorney General's office. Mitchell stated that up until this meeting with Director Hoover he had no knowledge that any such special wiretaps requested by the White House were in effect. He stated to the best of his recollection the requests were made directly by the White House to either Mr. Hoover or former Assistant Director W. C. Sullivan, and involved five or six individuals, including Morton Halperin, Henry Brandon, and John Sears. He stated Halperin was a carryover appointment from the Johnson Administration. He could not recall any other names.

Mitchell stated he never saw nor approved any ^{such} requests for wiretap coverage from the FBI, stating none were submitted to him by the FBI. Mitchell stated the reason Mr. Hoover came to him at that time was because he, Hoover, was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Faig or Dr. Kissinger at the White House and they (Mitchell, Faig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection nothing was done as a result of his informal discussions mentioned above at the White House. Mitchell stated that he not only never saw any written requests for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries

interviewed on May 11, 1973 at 20 Broad Street
New York, New York

EA Nick F. Stames and
SA Garry Owen Wattigins

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that may have been prepared setting forth the results of these wiretaps. He stated if such authorizations were received at his office, he would personally handle them.

Mitchell stated to the best of his recollection the next time that he recalls hearing of this matter was during the period when former Assistant Director Sullivan was "on the sids" with Director Hoover and the FBI. The closest he could place this time was approximately early Fall of 1971. He vaguely remembers that Robert Mardian, the then Assistant Attorney General in Charge of the Internal Security Division, United States Department of Justice, contacted him, Mitchell, and at this meeting told Mitchell that he had just recently learned from W. C. Sullivan about the existence of wiretap coverage placed by the FBI at the request of the White House on certain individuals. Mardian indicated to Mitchell that Sullivan was furious over the way he was being treated by the Director and that for this reason he disclosed the information concerning the wiretaps to Mardian. Sometime thereafter, Sullivan turned over to Mardian all correspondence relating to this wiretap coverage.

During approximately this same period, Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and, in fact, showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mitchell described Mr. Sullivan as being "a little nuts." Mitchell stated he recalls that after Mardian came to the Department of Justice as Assistant Attorney General in Charge of the Internal Security Division, Mr. Hoover became quite concerned over the fact that in many instances both Sullivan and his subordinate, Charles Brennan, were going directly to Mardian concerning cases being handled by the Domestic Intelligence Division and the Internal Security Division of the Department, which was an attempt, Mr. Hoover felt, to cut him off from access to these discussions. To the best of his recollection Mitchell stated that Mardian informed him, Mitchell, that he subsequently turned over all wiretap correspondence that he had received from Sullivan to Mr. John Erlichman of the White House. According to Mitchell, Mardian felt this was in the best interests of the White House and everyone concerned. Mitchell adamantly stated that he had never seen any of these papers, that Mardian

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said he had received from Sullivan and then later turned over to the White House. Mitchell could not recall any details concerning this transfer of correspondence to Mardian, for example, specifically whether the documents were turned over to Mardian by Sullivan voluntarily or perhaps whether Mardian requested that Sullivan turn over the documents to him.

Mitchell was specifically asked if on or about October 2, 1971, Hoover contacted him concerning the fact that Mardian had in his possession sensitive material relating to the wiretap coverage, and the fact that Mitchell assured Hoover that Mardian had destroyed this material. Mitchell stated this could not have been true inasmuch as Mardian had turned over the sensitive material in question to Mr. Erlichman in the White House. He stated to the best of his recollection such a conversation did not take place between him and the Director and that he received no correspondence from the Director confirming such a conversation.

Mitchell suggested that if it has not already been done, that the FBI consider reviewing all correspondence relating to wiretap coverage in all national security cases which he would have been aware of during his tenure as Attorney General and which would now be located presumably in the vault in his former office. Mitchell stated that while he was Attorney General and during the pertinent period in question (1969 to 1971) his secretary was [redacted], whom he believes currently resides in Orlando, Florida.

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Mitchell stated this was not the first instance where no record was made of sensitive wiretap coverage requested by the White House. Mitchell recalled soon after he came into office, Hoover related to him special wiretap coverage which was requested by former President Johnson on a highly sensitive matter. Mr. Mitchell would not furnish specifics concerning this particular coverage.

Concerning W. C. Sullivan, Mitchell related it was obvious he wanted the job of FBI Director since, on numerous occasions, Sullivan was in personal contact with various members of the White House staff and was always "name dropping and wheeling and dealing there" (White House).

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Date of transcription

May 10, 1973

Charles D. Brennan, SAC, Alexandria, Virginia, advised on 5/9/73 that in the Fall of 1969 or in early 1970, as he recalls, on a Sunday morning and after church at about noon, he received a telephone call from Assistant Director Sullivan who at that time was in charge of Domestic Intelligence Division. Sullivan wanted to know the mechanics for placing a wiretap, but was so nonspecific and refused to discuss the matter on the phone saying that it was an ultra-sensitive situation, that Brennan proceeded to the office. Brennan went to Sullivan's office immediately where Sullivan advised him that President Nixon was concerned about leaks in the White House and wiretaps were requested on members of the White House staff and some members of the press. It was Brennan's impression that Sullivan had received this call from the White House either early that Sunday morning or the previous Saturday night. Brennan said that Sullivan did not name the person requesting the coverage nor did he name any of the persons on whom the coverage was to be placed but he does seem to recall that there were several persons on whom the wiretaps were to be placed.

Sullivan told Brennan that he had called Director J. Edgar Hoover at home and received Hoover's okay, but that Hoover was very adamant about first getting the Attorney General's approval before initiating these wiretaps. Brennan said that Sullivan indicated that Mr. Hoover was most emphatic about going through the usual channels with the Attorney General for written approval.

Brennan told Sullivan that Supervisor Mike Rozamus, now retired, was the mechanic for such matters and, to the best of his recollection, Brennan then called Mike Rozamus at home and instructed Rozamus to come into the office to meet with Sullivan to arrange for these wiretaps. Brennan believes he left the office before Rozamus arrived in Sullivan's office but he also believes that later that evening he telephoned Rozamus at which time Rozamus assured him that he had handled the work for Sullivan. If a stenographer had been ordered in and who she might be were not known to Brennan.

Interviewed on May 9, 1973 at Alexandria, Virginia File # b6
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Inspector J. E. Ziel and
Special Agent [redacted] :bhg

Date dictated: May 10, 1973

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Brennan's personnel file. 5729/123

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Brennan seems to recall that shortly after the project got started Sullivan gave log review responsibilities and other responsibilities regarding this project to Supervisor Bernard Wells, now retired. Brennan's recollection is that Wells thereafter prepared the summary letters and any other correspondence under Sullivan's initials at all times unless after Sullivan was promoted to Assistant to the Director and Brennan promoted to Assistant Director, with Sullivan out of town, Wells may have prepared these communications using his (Brennan's) initials. Nevertheless, Brennan advised that to the best of his recollection he does not recall ever seeing or initialling any requests for wiretaps, logs or summary letters to the White House although he stated he may have on occasion as a matter of expediency initialled yellow copies thereof.

Brennan advised that he never knew anything about the termination of this wiretap project and believed these wiretaps were still in effect under Acting Director L. Patrick Gray, III. Brennan stated that he never knew the names of any of the persons on whom the wiretaps were placed but does seem to recall the names of Henry Brandon, Winston Lord, and Helmut Sonnenfeldt coming up in short discussions with Wells about the results of wiretaps. Brennan recalls Wells mentioning Brandon because Brandon was a "swinger" and he and his wife were involved in considerable social life. Brandon also appeared to own a ski lodge in Canada. Brennan also recalls that Wells told him on a few occasions that the project was fruitless as far as Wells was concerned since the majority of the material obtained through these wiretaps was mostly social gossip.

Brennan recalls receiving a visit in what he estimates was August of 1971 at his 9th and D Street office from Sullivan, who came into Brennan's office with a heavily loaded brief case. Brennan could not recall the exact description of this brief case but indicated it was similar to a Bureau size brief case and also seems to recall that it was black cowhide and had straps on it. Brennan could not recall whether the brief case was locked or sealed or had any other security feature to it, but he did say that it was quite thick and heavy. Brennan said that Sullivan had told him that he (Sullivan) had been down to Robert Mardian's office in the same building to turn this material over to Mardian since it was highly sensitive material which the Attorney General was interested in reviewing. Brennan advised that Sullivan did not tell him what was in the brief case, and when Sullivan left he promptly called Mardian's office to determine when Mardian would be returning. He was told that Mr. Mardian would be back in about thirty minutes and then thirty minutes or so later Brennan hand carried this brief case to Mardian's

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office and turned it over to Mardian, who was expecting it from Sullivan. Brennan said he made no written record nor phone call to Sullivan or anyone else about the delivery of this brief case. Brennan said he did not open nor look into the brief case while it was in his possession.

When asked whether he recalled a visit by Sullivan to France during this time Brennan stated that he does recall Sullivan making inspection tours of various Legal Attache Offices in Europe around that time and seems to remember very slightly that Sullivan did make a trip to Paris but Brennan could not recall when this was or the reason for the visit.

Brennan stated that he last saw Sullivan on 5/8/73 at the funeral of the wife of a mutual friend but claimed he did not discuss this matter with Sullivan at that time and, in fact, has never discussed this matter with Sullivan since Sullivan left the Bureau. Brennan stated that this entire wiretap project was a special project which he understood was to be handled by Mr. Sullivan alone and, therefore, never at any time injected himself into its operation.

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May 12, 1973

Assistant Director E. S. Miller, Intelligence Division, FBI, advised that he has no first-hand or personal knowledge concerning a highly sensitive program involving wiretaps on newsmen and Government officials by the FBI at the request of the White House from early 1969 until Spring of 1971. However, he became aware of such a program in late Summer, 1971, prior to the retirement of Assistant to the Director William C. Sullivan. He had general knowledge that Sullivan coordinated the program at the request of the White House; however, the overall responsibilities of administering and reviewing the logs were handled by Mr. Bernard Wells, former supervisor at Domestic Intelligence Division (DID). It is also his understanding that Director Hoover was aware of this program.

On September 30, 1971, it was learned that Sullivan was in the process of moving personal effects from his office prior to his retirement. When it was realized Sullivan had sole possession of these records efforts were made by Mr. Sterling Donahoe, Number One Man to Mr. Sullivan at that time, to assist Sullivan in this matter. Mr. Donahoe asked Sullivan if he could help, to which Sullivan replied, "No." Mr. Donahoe told Mr. Sullivan he was particularly interested in the extremely sensitive material which Mr. Sullivan had been maintaining for the Director. Sullivan told Donahoe he had sent this material over to the "other building" (DID).

Upon learning this, Mr. Miller conducted a search of the DID space with negative results. Mr. Miller pointed out that he also conducted a search of this space following Miller's appointment to head DID on 9/9/71 with negative results.

Mr. Miller stated that on 10/1/71, in Sullivan's absence, Mr. Donahoe searched Sullivan's front office space, including safe-type cabinet for the sensitive material with negative results.

When it was realized the sensitive material was no longer available Mr. Miller was instructed to reconstruct as many facts as possible

dated on May 10, 1973 at Washington, D. C.

File #

Inspector T. L. Gundersen and
Special Agent [redacted] bbg

Date dictated

May 12, 1973

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concerning all phases of this program. SA Thomas J. Smith, Section Chief, Intelligence Division, assisted Mr. Miller in connection with this inquiry.

On 10/1/71 SA Smith informed Mr. Miller that former SA Bernard A. Wells had told Smith about three weeks prior to this date that Mr. Robert Mardian, Assistant Attorney General, Internal Security Division, Department of Justice, had this sensitive material in his possession. According to Wells he, Wells, told Mardian he was crazy for keeping this material and suggested to Mardian that it be returned to the FBI. Smith informed Mr. Miller that Wells told him Mardian wanted Wells to keep the material and was considering the acquisition of a special safe-type cabinet for storage for him.

On 10/2/71, a Saturday, Mr. Miller telephonically contacted Mr. Wells and in careful terms advised Wells he wanted to ascertain the whereabouts of the sensitive material. Wells said he hadn't seen it since approximately two weeks prior to his, Wells', retirement from the Bureau (7/30/71). He stated he had no idea where it was as of that date. Miller asked Wells if he had seen the Washington Post dated 10/2/71 and Wells advised he had not. Miller advised Wells that the Post carried an article captioned "Top FBI Official Forced Out in Policy Feud with Hoover," and that Miller was attempting to get in touch with Mardian, concerning the location of this sensitive material. Miller determined that Mardian was on the West Coast with the Attorney General and Wells volunteered to get in touch with Mardian and advise Mardian of our concern over this.

About a half hour later Wells called Mr. Miller to advise of his conversation with Mardian, who reportedly told Wells "This matter doesn't concern you at all. Tell Miller I'll take care of it. Have him get in touch with me. Tell Miller not to worry, Sullivan won't get them." Wells told Mr. Miller "I don't think you'll have any trouble getting them back." Mr. Miller advised interviewing Agents that the above quotes are accurate as he wrote them on a piece of paper while he was talking to Wells.

Mr. Miller stated it is his understanding the results of the above conversation were furnished to the Director by Mr. Felt the evening of 10/2/71. It is also his understanding that the Director contacted Attorney General Mitchell on this same date who advised him that Mr. Mardian had assured the Attorney General the sensitive material was destroyed. The Attorney General told the Director that Mardian informed him the Director

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had approved his taking possession of these files. Mr. Miller stated he had seen intra-Bureau memorandum setting forth this information on which the Director wrote, "This is a lie."

It is Mr. Miller's understanding that the Director's conversation with the Attorney General on October 2, 1971, was confirmed in writing to the Attorney General by the Director. Correspondence was also directed to Mr. H. R. Haldeman at the White House confirming this conversation.

On October 3, 1971, Mr. Miller telephonically contacted Mardian to set up an appointment with him by Mr. Felt. Mr. Mardian told Mr. Miller, "I instructed Wells not to discuss this matter and I can't discuss it on the Attorney General's orders. The Director will have to discuss it with the Attorney General." He also said, "I want to assure you there is no problem."

It is also Mr. Miller's understanding that Mr. Felt telephonically interviewed Mr. Sullivan regarding the missing sensitive material and Mr. Sullivan advised he sent it back to the Domestic Intelligence Division.

Mr. Miller's inquiry established that the only individuals at FBI Headquarters who were involved were Mr. Sullivan, Mr. Wells and apparently the Director. Sullivan apparently without the Director's knowledge assigned SA Wells to analyze the results of the coverage, which was furnished to him in a sealed envelope from the Washington Field Office. This sealed envelope contained wiretap logs and thereafter Wells would dictate summary letters to the White House setting forth results of this wiretap on individuals. On occasions summaries were sent to the Attorney General. Mr. Miller advised that the coverage began in the early Spring, 1969, and was discontinued apparently the end of May or first of June, 1971. It is Mr. Miller's understanding that the wiretaps were authorized by the Attorney General.

Mr. Miller stated that as a result of his inquiry he prepared a memorandum from Mr. E. S. Miller to Mr. Alex Rosen on October 20, 1971, setting forth its results. This memorandum is attached. Mr. Rosen's name appears on this memorandum because of channels of authority within the FBI at the time. He did not see the memorandum inasmuch as it was hand carried by Mr. Miller to Mr. Mark Felt who had ordered the inquiry. This memorandum contains a list of all those individuals on whom these wiretaps were placed.

Mr. Miller advised that the New York Times and Washington Post featured articles in their February 26, 1973, issues, concerning a Time Magazine story in the issue coming out on February 26, 1973, which accused

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the FBI of having tapped six or seven reporters' telephones three years previously and a number of White House Aides in connection with leaks from Administration Aides. The article (which was apparently garbled) related that Acting Director L. Patrick Gray, III, continued the taps for one and a half months before the United States Supreme Court overruled the wiretap policy June, 1972. As a result of these articles Mr. Miller researched this matter and furnished Mr. Felt background details concerning FBI investigation regarding wiretaps of newsmen and certain White House Aides between 1969 and 1971 (prior to Mr. Gray's designation as Acting Director) who were subject of electronic surveillances as well as wiretaps placed at the request of President Nixon and the Attorney General on individuals between December 7, 1971, and June, 1972, who were not newsmen but persons suspected in connection with leaks from Joint Chiefs of Staff to Jack Anderson, newspaper columnist.

Mr. Miller furnished the interviewing Agents the copy of his memorandum dated February 26, 1973, captioned "NY Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen," which is attached. It is Mr. Miller's understanding that Mr. Felt forwarded the original of this memorandum to Mr. L. Patrick Gray, III.

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February 26, 1973

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RE: NEW YORK TIMES AND WASHINGTON
POST ARTICLES CONCERNING ALLEGED
WIRETAPS ON NEWSMEN

The New York Times and Washington Post featured articles in their 2/26/73, issues, concerning a Time Magazine story in the issue coming out 2/26/73, which accuses the FBI of having tapped the telephones three years ago of six or seven reporters and a number of White House aides in connection with leaks from Administration aides. The article related that Acting Director L. Patrick Gray III continued the taps for 14 1/2 months before the U.S. Supreme Court overruled the wiretap policy in June.

No record is known to exist in the files of the FBI concerning the wiretapping of telephones of reporters and White House aides as described in these news articles. Some hearsay knowledge does exist, however, that some newsmen and individuals connected with the White House were the subject of electronic surveillances during a period from probably early 1969 until sometime in 1971. The White House, concerned over the number of serious leaks of highly sensitive information to various news sources, instructed through the Attorney General that certain specified individuals, including newsmen of one kind or another, should be covered by electronic surveillance in an effort to identify the source of the leak.

This project was very tightly held in the FBI and only a very few persons were even remotely aware of it. The project was personally handled by Former Assistant to the Director William C. Sullivan, and even though he was not to utilize any Agent personnel not absolutely essential to the project, he had SA Bernie A. Wells review the tapes and logs and dictate summaries for use of the White House. Only one secretary was used to take dictation, [redacted]. At least two Agents in the Washington Field Office had to know of the project, since the installation and monitoring had to be done in the field. These would have been Supervisor [redacted] and the Agent who handled technical matters in WFO.

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Since the project was so sensitive, all records relating to it, and which would identify the persons who were covered by electronic surveillance, were maintained in the personal custody of William C. Sullivan. Following his departure from the FBI, a search was made in an effort to locate these records, but they were not found. Subsequently, former SA Bernie A. Wells, who had taken a job with the Department of Justice and who was then associated with former Assistant Attorney General Bob Mardian, revealed that Mardian was in possession of the records relating to this sensitive project.

Sullivan was confronted concerning the records and he referred all questions concerning the records to the Attorney General. Mr. Hoover contacted the Attorney General concerning the records and the Attorney General said they had been turned over to Mr. Ehrlichman at the White House. Mr. Mardian was also contacted and he claimed that he had destroyed the records. It was subsequently determined that Sullivan apparently had given the records in a sealed package to former Assistant Director C.D. Brennan with instructions to turn them over to Mardian. Brennan said that he had no knowledge of the records, nor that they were in the package delivered to Mardian. Brennan was almost certainly aware of the existence of the project, since something of that magnitude could not possibly be kept completely secret. For one thing, Wells, who was handling the actual work, worked in Division Five, and had to spend a great deal of time in Sullivan's office on something that was obviously not within the scope of Division Five's day-to-day activity. Wells, though discreet to a point, was also not discreet to the point that it was easy to put two and two together if one was inclined to do so.

Insofar as the allegation that these taps continued on after Mr. Gray took over as Acting Director, a different set of circumstances exist. No newsmen were involved. On 12/22/71, the Attorney General personally contacted Mr. W. Mark Felt and instructed him that a wiretap be immediately instituted on [redacted]

[redacted] The Attorney General explained that these instructions had come directly from President Nixon following a Jack Anderson column 11/18/71, which disclosed conversations between the President and Mr. Henry Kissinger and between Dr. Kissinger and other high level officials at the White House. [redacted]

[redacted] the leak to Anderson.

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After clearing the matter with Mr. Hoover, Mr. Felt instructed that a wiretap be instituted on [redacted], and this was done 12/22/71. Subsequently, after the wiretap disclosed that [redacted]

[redacted] the Attorney General instructed that a wiretap be instituted on [redacted], a close associated of [redacted]. The fact that our records had disclosed that [redacted]

[redacted] The wiretap on [redacted] was instituted 1/5/72. &

Later, on 1/14/72, a wiretap was instituted, again on the personal instructions of the Attorney General, on [redacted]

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The taps on [redacted] and [redacted] were discontinued on 2/17/72. The taps on [redacted] and [redacted] were discontinued on 4/11/72. The tap on [redacted] was discontinued at 9:00 AM on 6/20/72, following the Supreme Court decision in the Keith Case. It was not discontinued until 6/20/72, as the other cases had been on 6/19/72, since we were awaiting instructions from the White House.

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Although we have a careful record of the various stages of the coverage of [redacted], we have no written instructions or authorizations from either the Attorney General or the White House concerning the matter. Our records have been kept completely isolated from other FBI records, and there are no indices whatsoever relating to this project. The number of wiretaps involved in the project (only the [redacted] project) was integrated into the total of wiretaps when such totals were used publicly by Mr. Hoover. This was at the specific instruction of Mr. Hoover.

At the time the [redacted] project was started in December, 1971, no other White House-requested electronic surveillance projects were in existence in the FBI. There is little likelihood that anyone connected with the previous projects, such as Sullivan, Wells, Brennan, [redacted] had any information whatsoever concerning the [redacted] project. Only Messrs. Hoover, Tolson, Felt, D.S. Miller, and T.J. Smith in the FBI knew of the [redacted] project. Reports, typed on unmarked bond as blind memoranda not identifying the FBI in any way, were sent to Mr. John D. Ehrlichman (Eyes Only) at the White House in double-sealed envelopes by Liaison. We know, however, that they were initially handled by one of Ehrlichman's assistants, Dave Young (who was known as "the plumber" in the White House). Copies of all such reports were also furnished to the Attorney General (Eyes Only) in double-sealed envelopes, and delivered to the Attorney General's personal secretary by T.J. Smith in every instance. Copies of reports to the ATTORNEY GENERAL were not delivered to the present Attorney General.

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As a matter of pertinence, our coverage during the [redacted] project did in fact reveal a rather close and somewhat surreptitious relationship between [redacted] and Jack Anderson.

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FEDERAL BUREAU OF INVESTIGATION

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May 9, 1973

On May 7, 1973, Special Agent Thomas J. Smith, Supervisory Special Agent (Section Chief), Intelligence Division, Federal Bureau of Investigation, was interviewed concerning his knowledge of possible wiretaps on newsmen and Government officials in connection with high-level leaks of extremely sensitive national security information. Special Agent Smith advised as follows:

He has no personal or firsthand knowledge of wiretaps on newsmen or Government officials, but became aware of the existence of possible wiretaps being operated by the FBI on behalf of the White House. He cannot recall just when he first learned of information which led him to conclude there might be wiretaps in existence, but believes it may have been sometime in 1969.

SA Smith recalled that one Saturday while working in the office, a situation developed wherein a White House official desired information urgently, and from the bits and pieces of conversation he overheard he believed that this person wanted to know something about coverage being maintained by the FBI in connection with possible high-level leaks. SA Smith thinks that he had heard other indications of special coverage being maintained by the FBI for the White House, but he cannot recall anything specific, although he believes that former Special Agent Bernie Wells was involved in the handling of the coverage.

Concerning the Saturday incident referred to above, SA Smith said that although he cannot recall anything specific concerning the matter, he vaguely recalls that former Inspector J. A. Sizoo may have been in the office at the time and that he or some other ranking official of the Division may have tried to contact former Assistant Director W. C. Sullivan or SA Wells concerning the White House inquiry. SA Smith's recollection of the various sequence of events relating to his knowledge of the existence of wiretaps for the White House is hazy and possibly colored by his subsequent inquiry to reconstruct a chain of information relating to these wiretaps.

Interviewed on May 7, 1973 at Washington, D. C. File #

by SA Theodore L. Gunderson and

SA gms

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Date dictated May 7, 1973

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Subsequently, through contacts with SA Bernie Wells, particularly after January, 1970, when SA Wells was assigned to work for SA Smith in the Research Section, SA Smith received enough information from SA Wells to very definitely lead to the conclusion that the FBI did, in fact, maintain wiretaps on behalf of the White House relative to high-level national security leaks, and that Mr. W. C. Sullivan was in charge of the operation. SA Smith was never aware of the identity of persons on whom the wiretaps were placed, nor was he ever aware of the identity of persons in the White House to whom any wiretap reports were given. He did have the impression through SA Wells, however, that the Attorney General was aware of the wiretaps and received regular reports concerning them. He was also under the impression that Attorney General approval was given in each instance a wiretap was placed; that in no instance was a wiretap placed without the knowledge, consent and instruction of both the White House and the Attorney General.

Inasmuch as SA Wells actually worked for SA Smith after January, 1970, SA Wells felt compelled to tell him that he was reviewing the logs of all wiretaps being maintained in this project and that he had to go to Sullivan's office periodically to do this and to dictate summary memoranda concerning results of the wiretaps. This was necessary to account for periods of SA Wells' absence in the Section from time to time. Inasmuch as SA Smith was aware of the need-to-know basis of the wiretaps, no effort was made on his part to pry into the nature of the coverage or the identity of the persons covered.

Since the Research Section took over all national security electronic surveillance indices and policy matters, and had the responsibility of keeping the Director informed of the number of wiretaps in existence at any one time, SA Smith made it a point to determine if the wiretaps being maintained for the White House had been made a matter of official record and entered into the electronic surveillance indices. He found that no record of these wiretaps was being kept outside of the office of Mr. W. C. Sullivan.

SA Smith determined from SA Wells that the logs were delivered by the Washington Field Office on a regular basis to the office of Mr. W. C. Sullivan. SA Wells then reviewed the logs and prepared any necessary summaries, utilizing in every instance [redacted] who worked as a secretary in Mr. Sullivan's Office, to do the stenographic work. All material was kept under lock and key in Mr. Sullivan's office.

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SA Smith said that while he was never aware of the identity of anyone on whom wiretaps were placed during this time for the White House, he recalls that SA Wells had the specific assignment of reviewing the London Sunday Times newspaper each week, and Wells revealed that Sullivan had instructed this be done each week since he (Sullivan) thought that Henry Brandon, a correspondent for this paper, might be utilizing his columns to leak coded national security information. Although SA Smith was not clear just how this could happen, he did suspect that Brandon might be one of those on whom a wiretap was placed for the White House. This was mere suspicion, however.

SA Smith said he has a vague recollection that the wiretaps being maintained for the White House continued until early in 1971, and that they were actually pulled off when former Director J. Edgar Hoover, who was scheduled to testify before a Congressional appropriations subcommittee, made it known that he intended to reveal in at least "off-the-record" testimony that wiretaps were being maintained for the White House. SA Smith thinks this would have been in May or June, 1971. SA Smith noted that Mr. Hoover did, in fact, testify before the Senate Subcommittee on Appropriations on June 24, 1971, and he said that he is of the belief that the wiretaps were removed sometime prior to that testimony. SA Smith emphasized that he has no personal knowledge that Mr. Hoover threatened to reveal the existence of the wiretaps, and he theorized that he may have gotten such information from SA Wells.

SA Smith recalled that SA Wells retired in mid-1971, possibly at the end of July, 1971, and that shortly before he left the FBI, SA Wells had to go to Mr. Sullivan's office "one last time" to put in order the various documents relating to the special coverage for the White House, since he was the only Agent familiar with the documents and cleared to handle them. SA Smith said that he is almost sure the coverage had been discontinued by that time. His information would have come from SA Wells, however, since Smith had no personal knowledge relating to the wiretaps. He also mentioned that so far as he knew, no one in the Division was in possession of any more data concerning the wiretaps unless it might have been former Assistant Director C. D. Brennan, who enjoyed Mr. Sullivan's confidence and who took over the Division from Sullivan.

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SA Smith also recalled that after SA Wells left the FBI, he went to work as Director, Intelligence Evaluation Committee, which had its offices on the fourth floor of the Federal Triangle Building. Former Assistant Attorney General Robert Mardian, Internal Security Division of the Department of Justice, had his offices on the fifth floor of the same building. Mardian exercised some influence on the Intelligence Evaluation Committee, and, as SA Smith understands it, was responsible for getting SA Wells his job as Director of that Committee.

SA Smith said that sometime after the first part of September, 1971, SA Wells revealed to him that Mr. Mardian had shown him the documents which Mr. Sullivan had kept in his office relating to the special wiretaps the FBI had maintained for the White House, and asked SA Wells to take charge of these documents and afford them the greatest possible security.

SA Wells told SA Smith that he was shocked to see these highly sensitive documents in Mardian's possession, since they were FBI property. He told SA Smith that Mr. Sullivan had previously indicated to him (Wells) that he might turn the documents over to Mardian, but that he (Wells) had strongly advised Mr. Sullivan not to take such action since no one outside the FBI should have access to such information. SA Wells said that he thought he had convinced Sullivan to maintain absolutely strict control over the documents.

SA Wells had no idea when Mardian got the documents, but he told SA Smith that he would have had to get them after July 30, 1971, since he (Wells) had worked with the documents on that date prior to his retirement from the FBI. Wells got the impression that Mardian had had the documents for two or three weeks at least before mentioning them to him (Wells). Wells told SA Smith that he told Mardian that the documents should not be in that office; that they were FBI property. SA Smith does not recall whether SA Wells told him whether he took charge of the documents.

SA Smith reported SA Wells' conversation to Mr. E. S. Miller, Assistant Director, Intelligence Division, on October 1, 1971, when an inquiry was made by Mr. Miller as to who might have knowledge of the location of sensitive records which had been in the exclusive possession of

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Mr. Sullivan prior to his retirement from the FBI. SA Smith prepared a memorandum relating his discussion with SA Wells, and he understands it was sent to Mr. Hoover.

Mr. Miller then instructed SA Smith to make an effort to reconstruct the record, so to speak, to determine as far as possible the identities of persons on whom wiretaps had been placed for the White House, together with any other factual information pertinent to this operation. Such an effort, however, was to be confined to Bureau records and FBI personnel. SA Smith said that since it appeared obvious that the only records which ever existed concerning these particular wiretaps had been turned over to Mr. Mardian by Mr. Sullivan, the only other means of reconstructing the record was to make inquiry of persons still in the FBI who might have had knowledge of the operation and who might still recall some facts concerning it.

SA Smith related that he then contacted SA [redacted] Security Supervisor, Washington Field Office, and requested assistance from him in reconstructing the record. SA [redacted] told SA Smith that he could not possibly recall all of the facts, since he either could not remember them, or had no direct personal knowledge concerning them. SA [redacted] said that he recalled that this operation was very closely held in Washington Field Office and that only one or possibly two long time experienced employees in the office were used in the operation. He noted that Washington Field Office, on specific instructions from W. C. Sullivan, had not maintained any record whatsoever of the individual wiretaps in question.

SA Smith said that over a period of several days SA [redacted] furnished him the following information relating to special wiretaps operated by the FBI on behalf of the White House:

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Following a leak of information involving the National Security Council in the spring of 1969, national security wiretaps were placed on certain individuals who were suspected of being involved in the leaks. At one time there were as many as eight in operation at the same time, but no one has any recollection as to what particular time the eight were on, nor how long any of these eight were in operation. Most of the time as one or two were discontinued, new ones were added.

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To the best of SA [] recollection, and the recollection of those he contacted, wiretaps were operated on the following-named persons between early 1969 and sometime in 1971:

Henry Brandon - Correspondent, London Sunday Times

Dr. Morton Halperin - National Security Council (later
Brookings Institution)

Tony Lake - National Security Council

Helmut Sonnenfeldt - National Security Council

Daniel Davidson - National Security Council

William Safire - National Security Council

Winston Lord - National Security Council

Colonel Robert Pursley - Secretary Laird's Office (later
made a General and assigned as
Military Aide to the Vice President)

Marvin Kalb - Radio-Television news commentator and
news service

William Beecher - Writer, New York Times

Hedrick Smith - Writer, New York Times

Ambassador Richard Pedersen - State Department

Ambassador William Sullivan - State Department

John Patrick Sears - Believed to be young attorney formerly
with Nixon-Mitchell Law Firm, later in
Executive Office Building. Wanted a job
in Office of Economic Opportunity,
became disenchanted and left

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James W. McLane - Health, Education and Welfare (was about to go with Finch to the White House)

Richard Moose - National Security Council.

SA [] said that from information he could develop, the first wiretaps were on Sonnenfeldt, Halperin, Lake and Sears. He said that apparently the wiretap on Sears was on about two months. The one on Pursley was on three or four months. It was recalled that the wiretap on Brandon was placed about the spring of 1970 and remained on until all were discontinued in 1971. The ones on Smith, Halperin, Kalb, and possibly Lord, were believed to have also remained on for a long period of time and were among those in operation when all were discontinued in 1971.

The last wiretap placed, according to what SA [] could learn, was on McLane, and this was placed during cold weather when Mr. Hoover went to Florida. This was recalled because authorization was obtained from Mr. Hoover by phone prior to installation since it was an urgent request. It is believed that this was in early 1971.

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So far as SA [] could determine, all of the wiretaps in question were discontinued in the latter part of May or early June, 1971.

SA [] told SA Smith that only one copy of a log relating to each wiretap was made, and this was sent to the office of Mr. W. C. Sullivan. He reiterated that no copies of logs or other records relating to these wiretaps were kept by the Washington Field Office.

SA Smith said that he had no personal knowledge, nor did he learn from SA [] or SA Wells whether the various wiretaps in question were placed on the home phones, office phones, or other telephones of the individuals.

SA Smith said that in conversations with SA Wells, Wells mentioned that the wiretaps were more or less a waste of time since nothing of substance was ever learned from them. He indicated to SA Smith that none of the wiretaps produced any evidence linking the individuals with a leak of national security information.

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SA Smith said that based on his conversations with SA Wells and SA he is of the opinion that no wiretaps along the lines under discussion were placed any place except in Washington, D. C.

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SA Smith said that other than the individuals previously mentioned, he had no knowledge of officials in the Department of Justice or FBI who might have been responsible for carrying out these wiretaps. Further, he had no knowledge as to what official authorized or directed the discontinuance of these wiretaps.

In conclusion, SA Smith voiced the opinion, based on his experience and knowledge of the law relating to wiretaps during the pertinent period up to June, 1971, that neither the FBI, Attorney General, nor White House officials were involved in any manner of impropriety with respect to the placing of wiretaps on individuals who may have been involved in the leaking of highly sensitive, classified national security information. He pointed out that at least prior to the Keith decision, which limited the authority of the President to approve warrantless wiretaps to exclude domestic groups and individuals, it was fully accepted that the President and Attorney General had the Constitutional power to order or approve wiretaps in national security cases.

SA Smith pointed out further that in connection with the various wiretaps placed at the request of the White House in this instance, it would appear that the White House based its requests for wiretaps on the serious breach of national security in the leaking of classified national defense information. He said that although the FBI has no records at this time to support the contention that the wiretaps were all placed in connection with national security, he knows of his own knowledge that former Director J. Edgar Hoover had an absolutely firm policy of not permitting the FBI or any of its employees to engage in wiretaps unless prior approval was obtained from the Attorney General. SA Smith said that it is inconceivable that J. Edgar Hoover would have permitted the FBI to place and maintain wiretaps, even for the White House, unless full and complete justification could be shown that such wiretaps were legal under a strict interpretation of the law at the time.

SA Smith said that in his judgment the only impropriety which could be attached to these wiretaps, insofar as the FBI was concerned, was the turning over of official FBI records relating to the wiretaps to persons

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outside the FBI by Mr. W. C. Sullivan. SA Smith said that he is confident that if these records have not been destroyed and could be located, they would clearly show that the wiretaps had a sound national security basis.

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FEDERAL BUREAU OF INVESTIGATION

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May 12, 1973

John D. Ehrlichman, residence 330 Chesapeake Drive, Great Falls, Virginia, was interviewed by Inspector William A. Melnick and Special Agent E. T. Zinn in the presence of his attorney, [redacted] at [redacted] office, [redacted] Northwest, Washington, D. C.

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Mr. Ehrlichman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning the delivery of wiretap information from the Federal Bureau of Investigation by Mr. Robert Mardian, in a brief case or satchel sometime in July, 1971.

Mr. Ehrlichman said that although he cannot recall the exact date he does recall Mr. Mardian being associated with the delivery of a stack of wiretap logs and other written material which he knew to be summaries of the wiretap logs to the White House. Mr. Ehrlichman said that this was a long time ago and his memory is somewhat hazy, but he recalls that Mr. Mardian was definitely associated with the logs and other written material at the time of delivery. He said the material to his best recollection was in several brief cases or packages bound together or it may have simply been loose and stacked on the desk in his outer office. He said that he received specific instructions as to what to do with this wiretap material; however, he said that he would not name the individual who issued these instructions. He said the instructions were to file the material in his office, which he did. He said that he recalls "sampling" the material at the time he took possession. He said by "sampling" he simply meant that he only looked at a random sampling of the contents of the stack of material rather than perusing or leafing through the entire contents. He said that he recalled there was really nothing of any vital importance in the material, as best he could recall. He said he never looked at the contents of this material again.

He was specifically asked whether or not he noticed any letters authorizing wiretaps by the Attorney General in this group of correspondence.

Interviewed on May 11, 1973 at Washington, D. C. File # _____

Inspector W. A. Melnick and
Special Agent E. T. Zinn:bhg

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He said no, that he cannot recall seeing any letters of authorization. He said that when he speaks of filing, according to the instructions which were given to him, he really means that he would order his [] to perform the actual filing function.

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Mr. Ehrlichman said the material to which he was referring was filed in a two-drawer, safe-type cabinet located in his outer office. Mr. Ehrlichman said that from the time he received the material it remained in this cabinet until about April 30, 1973. He said that it was on or about this date, April 30, 1973, that he was considering submitting his resignation to the President of the United States. He recalled the presence of this wiretap information and issued orders to have this wiretap information removed from his office and filed with "Presidential papers." He said that he could not now recall who physically filed these papers but believes it would probably be []. He does not know precisely where, among the President's papers, the material was filed although he is positive it was in a safe. He was specifically asked whether or not he heard any information or if any information came to his attention in any way as to whether or not these wiretap documents had been removed since April 30, 1973, from the Presidential papers. He said "No," that they definitely would still be there as far as he knew. He said that if the FBI wanted to see these papers or remove any of the papers, only two people could give such authorization. One was the President of the United States himself or Mr. Buzhardt, who would act under the specific authorization of the President of the United States.

Mr. Ehrlichman was asked whether he could recall if any of the papers among the wiretap information was yellow in color. He said "Yes," some of them were yellow in color but he could not estimate how much of the correspondence was yellow, again reiterating that he simply sampled the correspondence.

Mr. Ehrlichman advised that his office at the White House is not on the same floor as the Oval Room nor on the same floor as Mr. Haldeman's office.

Mr. Ehrlichman was asked if he could specifically recall whether or not the wiretap information was delivered to him in the Oval Room rather than in his office as he had previously stated. He said it definitely was not delivered to him in the Oval Room at the White House. He advised that the Oval Room has desk facilities for only one person and that is the

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President of the United States. There are no White House Aides, clerical or secretarial people in that office in the Oval Room. He was specifically asked to try and recall Mr. Mardian's part in the delivery of the wiretap information. He said that he simply cannot recall the incident that vividly. He feels sure that Mr. Mardian was present at the White House on the day he received the wiretap material and feels he was with Mardian at the time the wiretap material was furnished to him. He said it was entirely possible, however, that he had seen Mardian on the same day and that Mardian could have been elsewhere in the White House when he, Ehrlichman, actually received the material.

He said that during the time the material was in his safe-type cabinet, to his knowledge, no one made reference to it or used it. He said, however, that to be absolutely sure on this point that [redacted] would have to be interviewed inasmuch as he would have had more direct knowledge inasmuch as it was physically under his, [redacted] custody and control. He said that he did not even have the combination of the safe-type cabinet in which the material was stored and that only Tod Hullin had that combination.

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Mr. Ehrlichman advised that he had no personal knowledge of who and under what circumstances the wiretap operation was initiated nor did he know the duration of the wiretap program.

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FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~Date of transcription May 12, 1973

Harry R. Haldeman, residence 3402 R Street, Northwest, Washington, D. C., was interviewed by Inspector William A. Meincke and Special Agent E. T. Zinn in the presence of his attorney, [redacted] at [redacted] office, [redacted] Northwest, Washington, D. C.

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Mr. Haldeman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning wiretap information which he received by courier from the FBI during the period 1969 to 1971. The purpose of these wiretaps would have been to determine any leaks by White House staff members or their employees concerning the Strategic Arms Limitation Talks.

Mr. Haldeman advised that he recalled receiving summary letters concerning these wiretaps and that he received them routinely from the FBI. He said he could not recall who the courier was because the summary letters would actually go to his administrative assistant, [redacted]. He said at first he read all the summaries which came into his office but found them to contain information which really was not of much interest to him. The contents of the letters did not contain any startling information and he eventually delegated the authority to read this material to [redacted] who would review the summary letters and bring to his, Mr. Haldeman's, attention only those matters which [redacted] thought would be of interest.

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Mr. Haldeman said that as he recalled the summary letters which he had were addressed to him, but he knew that the wiretap program had been going on for some time and originally the letters went to Dr. Henry Kissinger.

Mr. Haldeman said that sometime in the Summer of 1971, the exact date he could not recall, he received a request to gather this material he had under his control so the material could be returned to the FBI. He was specifically asked who made such a request. He said that he simply could not now remember who made that request. He said

interviewed on May 11, 1973 at Washington, D. C. File # _____

Inspector W. A. Meincke and
Special Agent E. T. Zinn:hbg

~~SECRET~~May 12, 1973

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that he knew the letters were assembled and sent to the Federal Bureau of Investigation. He said he could not recall making any inventory of the correspondence prior to its being returned to the Federal Bureau of Investigation. He said he is positive he made no inventory; however, this is not to preclude the possibility that [] may have done so, although he doubts it. He was specifically asked whether or not he, acting for the President of the United States, authorized any of these wiretaps. He said definitely not. He said that Dr. Henry Kissinger may have made this request but this is speculation on his part.

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He was asked specifically whether or not he had any knowledge of Mr. Robert Mardian returning this material to the White House at a later date. He said he had no direct knowledge but that he had heard from Mr. John Ehrlichman that the material had been returned. He was asked specifically if he at any time engaged in checking White House summary letters against FBI copies of these letters with Mr. Mardian. He said as best he could recall the answer would be "No," he could not recall such an instance. He said that if any checking had been done it may have been done by his administrative assistant, []

Mr. Haldeman was specifically asked if he ever saw the White House summary letters again after they had been sent back to the FBI. He replied "No."

Mr. Haldeman was asked if he had any reason to believe the material had been destroyed to which he replied "No." Although he had no direct knowledge, from the information he learned from Mr. Ehrlichman, they were still at the White House.

Mr. Haldeman was asked if he recalls any mention of Daniel Ellsberg in the summary reports he reviewed at the White House. Mr. Haldeman replied "No."

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FEDERAL BUREAU OF INVESTIGATION

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May 12, 1973

On May 11, 1973, General Alexander M. Haig was interviewed at the White House. At the outset of the interview General Haig was advised that he was being contacted regarding any knowledge he possessed concerning missing records relating to FBI wiretaps on White House officials and newsmen which were instituted at the request of the White House during the period 1969 through 1971. General Haig furnished the following information:

In connection with the current revelations in the newspapers regarding this matter the White House checked and has located these records. General Haig examined them on May 11, 1973, and feels the information the FBI is seeking is in the records. The records are presently under impoundment and will be available for review by Mr. Ruckelshaus, Saturday, May 12, 1973.

Based upon questions asked of General Haig and his recollection of the nature of the records, it appears they consist of summary letters from the FBI, signed by Mr. Hoover; transcripts (logs) of conversations; and signed authorizations of the Attorney General for the wiretaps. General Haig said he feels sure that upon examination the FBI will find memoranda to the Attorney General from the FBI requesting authorization for the wiretaps; with such memoranda containing the signature of Attorney General Mitchell.

General Haig was advised that the FBI has information that in 1971 the letters to the White House from the FBI had been returned to the FBI and subsequently these letters as well as logs and other records regarding these wiretaps had been turned over to Dr. Kissinger and him. He was asked to furnish whatever knowledge he has concerning the circumstances of these transactions. He advised as follows:

In 1969 after the first National Security Council meeting there were the most serious kinds of leaks to the newspapers, some within twenty-four hours. These leaks related to basic decisions of the President concerning the most sensitive type of national security information. Upon inquiry it was determined that in some cases only a very few White House Aides would be cognizant of the information and a further check of their personal history jackets suggested information which would place them as possible suspects of the leaks.

Interviewed on May 11, 1973 at Washington, D. C.

File #

Inspector T. L. Gunderson and
Special Agent :bhg

May 12, 1973

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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With this data the feeling was that a surveillance upon such suspects would bring out a contact or discussion which would identify source of unauthorized leaks. Under this rationale requests for certain wiretaps were generated within the White House staff. General Haig has no recollection as to when or why the first such wiretap was requested but feels confident it was a result of an exceptionally serious leak.

With respect to the decision and request for installation of a wiretap, General Haig said he could not answer this because the action taken was the result of joint input. General Haig was in contact with the Bureau in connection with matters in which Dr. Kissinger had a direct interest and is sure Mr. Hoover was cognizant inasmuch as the letters regarding these matters were signed by him. He feels the requests were generally transmitted to former Assistant Director William C. Sullivan. He recalls that on occasion he orally requested Sullivan to place wiretaps on certain individuals with Dr. Kissinger's approval.

At the beginning of this program, around May, 1969, the FBI letters addressed to the President were referred to Haldeman and the letters addressed to Dr. Kissinger were handled by General Haig. Not too long after this program began Dr. Kissinger and General Haig decided the thrust of this program was primarily an internal security matter and it was thereafter referred to Mr. H. R. Haldeman of the White House. Thereafter all the letters went to Haldeman. Periodically thereafter some of the information sent to Haldeman would be shown Dr. Kissinger when it appeared to be of possible interest to Dr. Kissinger's official activities.

During this program General Haig also recalls that he visited Assistant Director Sullivan to review FBI logs on at least one occasion. He believes this occurred in August, 1969. It was prompted because Sullivan informed him that telephone conversations by [REDACTED]

Haig does not recall details of [REDACTED]

General

OTHER

With regard to return of the FBI letters to the FBI, General Haig said he has a vague recollection that someone said they wanted the letters back. He also has vague recollection of William C. Sullivan calling the White House for the material but does not recall reason for the request. He recalls he kept the letters in a safe with other top secret-type material. At the time General Haig was busy, was not directly involved in the return, and does

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not recall the date.

General Haig said it was absolutely untrue that logs and other FBI records regarding the wiretaps were ever turned over to Dr. Kissinger or himself. He said he had heard that former Assistant Attorney General Mardian had turned over these records to John D. Ehrlichman. He stated that after examining these records on May 11, 1973, he feels it would be impossible for him to forget such a transaction as the records are somewhat voluminous, occupying space in a large cardboard box. He said also that in 1971 Dr. Kissinger's office was out of the receipt pattern regarding the wiretap program. During this interview General Haig had a telephone conversation with Dr. Kissinger and inquired of him if such material had ever been returned to Dr. Kissinger's office. General Haig, after termination of this telephone call, said that his recollection was correct and the records had never been returned to Dr. Kissinger or him.

General Haig has no reason to believe that any of the results of the wiretaps under this program were utilized in any way in connection with the Daniel Ellsberg investigation. He also has no way of knowing or reason to believe that any of this material was ever turned over to Gordon Liddy, Howard Hunt, James McCord, John Dean or anyone else in connection with the Watergate matter.

General Haig did not know what FBI official received instructions to discontinue these wiretaps. As to who issued the instructions and in what manner, General Haig said examination of the FBI records should confirm this.

General Haig was asked if he knew the reason the FBI material was removed from FBI space and ultimately taken to the White House. He stated in his opinion the basic reason for this action was the result of a personal feud within the FBI. He knows no other details.

General Haig was also asked if in his opinion these wiretaps were productive. He stated he feels they were invaluable and had been of considerable assistance in helping to control leaks to the press at the White House. In addition to resulting in the removal of Davidson and Dr. Haig perin the wiretaps were invaluable to Dr. Henry Kissinger and General Haig in evaluating key persons on the White House staff and making a determination as to whether each could be trusted with highly classified information.

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Memorandum

Mr. Callahan

~~CONFIDENTIAL~~

DATE: October 6, 1971

Felt _____
Rosen _____
Mohr _____
Bishop _____
Willet, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : H. N. Bassett

SUBJECT: WILLIAM C. SULLIVAN
Retired 10/6/71
REQUEST FOR BADGE

DECLASSIFIED BY _____
ON _____

~~SECRET~~

By letter 10/5/71, former Assistant to the Director Sullivan requested retirement effective 10/6/71. The Director's letter of 10/5/71 acknowledged the request, advising Sullivan that his application would be forwarded to the Civil Service Commission with a recommendation for favorable action.

Sullivan's letter of 10/5/71 requested permission for him to keep his badge. In the past the Director has approved requests for badge retention by retiring Assistant Directors and higher officials. When the request is granted, the badge is mounted on a plaque by the Exhibits Section.

RECOMMENDATION:

If the Director desires, Sullivan's badge will be mounted and forwarded to him.

REC-136

205/102-675

Numbered

I RECOMMEND
AGAINST

WEC:ach

(2)

I concur in view of circumstances surrounding his separation & more particularly in view of his turning over to Maryland Higher Security Confidential 3 & 1 files for destruction without any approval by the Bureau. It is noted that on any mailing lists nor shown any correspondence.

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~~SECRET~~

MADE FOR MR. TOLSON

~~CONFIDENTIAL~~
~~TOP SECRET~~
October 1, 1971

William C. Sullivan
Mr. E.S. Miller:

Re: Sensitive Documents

DECLASSIFIED BY _____
ON _____

About 3 weeks ago, during a conversation concerning another matter, former Special Agent B.W. Wells, who is now Executive Director, Intelligence Evaluation Committee, advised on a highly confidential basis as follows:

Mr. Robert Mardian, Assistant Director, Internal Security Division of the Department, showed Wells a large number of extremely sensitive documents involving coverage which had been placed at the request of the White House, and asked that Wells take charge of these documents in order to afford them the greatest possible security.

These documents were the complete record of the coverage mentioned above, and had formerly been in possession of Mr. W.C. Sullivan. They are Bureau property. Mr. Wells was shocked to see the documents in Mardian's possession, since they are so sensitive as to represent damaging evidence not only to the Bureau, but to the President. Sullivan had previously indicated to Wells that he might turn them over to Mardian, who apparently was aware of the nature of the documents, but Wells had strongly advised Sullivan not to take such course of action, since no one outside the Bureau should ever have access to such material. Wells thought he had convinced Sullivan to maintain absolute control of the material.

Wells' conversation with Sullivan took place probably in July, 1971, shortly before Wells retired. The documents were still in Sullivan's possession as of 7/30/71, since Wells worked with them on that date, the last day of his active duty with the Bureau.

Wells has no idea when Mardian got the documents, but he knows that he got them after 7/30/71. He gathered from Mardian's discussion concerning the documents that Mardian had had them for two or three weeks at least before mentioning them to Wells. Wells has told Mardian that he feels the documents should not be in that office, that they are Bureau property.

Wells has asked that his conversation be kept in absolute confidence due to the nature of his relation with Mardian, and if we are to continue to enjoy Wells' confidence, and I think we should, every effort should be made to protect Wells in this matter.

REC-136 167-

~~CONFIDENTIAL~~
~~TOP SECRET~~

Tom Smith
Tom Smith

~~SECRET~~